

MT LEGISLATIVE HISTORY

Chapter 526 19 83

Bill H 812 S _____

Original bill & hist. ☒ C

H. Committee on Jud.
ND Status Sheet

S. Committee on Jud.

Hearing Date(s) 2-19 am _____ C

Hearing Date(s) 3-19 _____ C

2-19 pm _____ C

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Date Out 2-19 _____ C

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Did this bill originate in an interim committee? ☐ Yes ☐ No

Committee _____

Report _____

INTRODUCED: 02/15/83
REFERRED TO COMMITTEE ON EDUCATION & CULTURAL RESOURCES: 02/15/83
HEARING: 2/18/83
REPORT: 02/18/83, DO PASS, AS AMENDED
2ND READING: 02/22/83, DO PASS AYES: 85; NAYS: 13
3RD READING: 02/23/83, DO PASS AYES: 90; NAYS: 9

TRANSMITTED TO SENATE: 02/23/83
REFERRED TO COMMITTEE ON EDUCATION & CULTURAL RESOURCES: 3/1/83
HEARING: 3/9/83
REPORT: 3/24/83, BE NOT CONCURRED IN
BILL KILLED: 3/24/83

HB 810 -- J. HAMMOND -- REMOVING VARIOUS EXCLUSIONS FROM THE OVERTIME COMPENSATION LAW; AFFECTING EMPLOYEES UNDER 49 U.S.C. 304, CERTAIN EMPLOYEES AFFECTED BY THE FEDERAL INTERSTATE COMMERCE ACT, CERTAIN SALESMEN, CERTAIN TRIP-RATE PAID EMPLOYEES, CERTAIN AGRICULTURAL EMPLOYEES, TAXICAB DRIVERS, CERTAIN EMPLOYEES OF NONPROFIT EDUCATIONAL INSTITUTIONS, AND CERTAIN TIMBER INDUSTRY EMPLOYEES; AMENDING

INTRODUCED: 02/15/83
REFERRED TO COMMITTEE ON LABOR & EMPLOYMENT RELATIONS: 02/15/83
HEARING: 2/19/83
DIED IN COMMITTEE

HB 811 -- YARDLEY -- TO REQUIRE GUARDIANS AND CONSERVATORS FOR WARDS AND PROTECTED PERSONS TO FILE AN ACCOUNTING BY MARCH 31 OF EACH YEAR FOR THE PREVIOUS CALENDAR YEAR; AMENDING

INTRODUCED: 02/15/83
REFERRED TO COMMITTEE ON JUDICIARY: 02/15/83
HEARING: 2/19/83
REPORT: 02/19/83, DO PASS, AS AMENDED
2ND READING: 02/22/83, DO PASS AYES: 96; NAYS: 0
3RD READING: 02/23/83, DO PASS AYES: 93; NAYS: 0

TRANSMITTED TO SENATE: 2/23/83
REFERRED TO COMMITTEE ON JUDICIARY: 3/1/83
HEARING: 3/21/83
REPORT: 03/21/83, BE CONCURRED IN
2ND READING: 03/23/83 AYES: 50; NAYS: 0
3RD READING: 03/25/83 AYES: 49; NAYS: 0

RETURNED TO HOUSE: 03/25/83

TRANSMITTED TO GOVERNOR: 04/01/83
SIGNED: 4/5/83, CHAPTER 401

HB 812 -- SHONTZ, YARDLEY -- TO PROVIDE THAT WHEN IT IS REQUIRED THAT LEGAL NOTICE BE GIVEN TO THE OWNER OF REAL PROPERTY NOTICE MUST ALSO BE GIVEN TO A PURCHASER OF THE PROPERTY UNDER A CONTRACT FOR DEED AND ANY ASSIGNEE OR SUCCESSOR OF SUCH A PURCHASER

INTRODUCED: 02/15/83
REFERRED TO COMMITTEE ON JUDICIARY: 02/15/83
HEARING: 2/19/83
REPORT: 02/19/83, DO PASS, AS AMENDED
2ND READING: 02/22/83, DO PASS AYES: 96; NAYS: 0

3RD READING: 02/23/83, DO PASS AYES: 99; NAYS: 0

TRANSMITTED TO SENATE: 02/23/83

REFERRED TO COMMITTEE ON JUDICIARY: 3/1/83

HEARING: 3/19/83

REPORT: 03/21/83, BE CONCURRED IN, AS AMENDED

2ND READING: 03/23/83 AYES: 50; NAYS: 0

3RD READING: 03/25/83 AYES: 47; NAYS: 2

RETURNED TO HOUSE WITH AMENDMENTS: 03/25/83

2ND READING: 03/31/83, BE CONCURRED IN AYES: 91; NAYS: 0

3RD READING: 04/01/83, BE CONCURRED IN AYES: 86; NAYS: 0

TRANSMITTED TO GOVERNOR: 04/12/83

SIGNED: 04/15/83, CHAPTER 526

HB 813 -- BENGTON, WINSLOW, J. JENSEN, ET AL. -- TO APPROPRIATE \$18,500 FROM THE CULTURAL AND AESTHETIC PROJECTS ACCOUNT TO THE CITY OF BILLINGS TO PROVIDE PARTIAL FINANCING FOR PARTICIPATION BY THE BILLINGS SYMPHONY CHORALE IN THE WORMS INTERNATIONAL CHORAL FESTIVAL IN WEST GERMANY.

INTRODUCED: 02/15/83

REFERRED TO COMMITTEE ON APPROPRIATIONS: 02/15/83

HEARING: 4/13/83

DIED IN COMMITTEE

HB 814 -- KADAS, J. JENSEN, FABREGA -- TO AUTHORIZE FINANCIAL INSTITUTIONS TO HOLD ANNUAL MEETINGS ON ANY BUSINESS DAY BEFORE APRIL 15 OF EACH CALENDAR YEAR; AMENDING

INTRODUCED: 02/15/83

REFERRED TO COMMITTEE ON BUSINESS & INDUSTRY: 02/15/83

HEARING: 2/18/83

REPORT: 02/18/83, DO PASS

2ND READING: 02/19/83, DO PASS AYES: 84; NAYS: 5

3RD READING: 2/22/83, DO PASS AYES: 99; NAYS: 1

TRANSMITTED TO SENATE: 2/22/83

REFERRED TO COMMITTEE ON BUSINESS & INDUSTRY: 3/1/83

HEARING: 3/23/83

REPORT: 3/23/83, BE CONCURRED IN, AS AMENDED

2ND READING: 03/28/83 AYES: 46; NAYS: 1

3RD READING: 03/28/83 AYES: 46; NAYS: 1

RETURNED TO HOUSE WITH AMENDMENTS: 3/28/83

2ND READING: 04/04/83, BE CONCURRED IN AYES: 89; NAYS: 0

3RD READING: 04/05/83, BE CONCURRED IN AYES: 98; NAYS: 0

TRANSMITTED TO GOVERNOR: 04/14/83

SIGNED: 04/18/83, CHAPTER 561

HB 815 -- FABREGA, METCALF, PAVLOVICH, ET AL. -- REQUIRING IDENTIFICATION OF AND ACQUISITION OF RAILROAD RIGHTS-OF-WAY THAT MAY BE ABANDONED; APPROPRIATING FUNDS; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE.

BY REQUEST OF: THE HOUSE COMMITTEE ON BUSINESS AND INDUSTRY

INTRODUCED: 02/15/83

HOUSE BILL NO. 812

INTRODUCED BY SHONTZ, YARDLEY

IN THE HOUSE

February 15, 1983	Introduced and referred to Committee on Judiciary.
February 19, 1983	Committee recommend bill do pass as amended. Report adopted.
February 21, 1983	Bill printed and placed on members' desks.
February 22, 1983	Second reading, do pass.
February 23, 1983	Considered correctly engrossed.
	Third reading, passed. Transmitted to Senate.

IN THE SENATE

March 1, 1983	Introduced and referred to Committee on Judiciary.
March 21, 1983	Committee recommend bill be concurrent in as amended. Report adopted.
March 23, 1983	Second reading, concurred in.
March 25, 1983	Third reading, concurred in. Ayes, 47; Noes, 2.

IN THE HOUSE

March 25, 1983

Returned to House with
amendments.

March 31, 1983

Second reading, amendments
concurred in.

April 1, 1983

Third reading, amendments
concurred in.

Sent to enrolling.

Reported correctly enrolled.

1 House BILL NO. 812
 2 INTRODUCED BY State
 3
 4 A BILL FOR AN ACT ENTITLED: "AN ACT TO PROVIDE THAT WHEN IT
 5 IS REQUIRED THAT LEGAL NOTICE BE GIVEN TO THE OWNER OF REAL
 6 PROPERTY NOTICE MUST ALSO BE GIVEN TO A PURCHASER OF THE
 7 PROPERTY UNDER A CONTRACT FOR DEED; AMENDING SECTIONS
 8 7-2-4312, 7-3-1309, 7-3-4431, 7-3-4448, 7-13-2304,
 9 7-14-4109, 7-15-4215, 7-22-2406, 7-22-2446, 15-7-102,
 10 15-7-208, 15-15-101, 15-18-202, 15-23-102, 50-62-103,
 11 69-4-317, 69-4-325, 69-4-353, 70-30-203, 76-3-605, 80-7-114,
 12 80-7-206, 82-2-224, 82-4-222, 82-4-239, 82-10-503, AND
 13 85-15-202, MCA."

14
 15 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
 16 NEW SECTION. Section 1. Notice to purchaser of
 17 property under contract for deed. (1) As used in this
 18 section, "purchaser under contract for deed" means any
 19 person who has entered into a contract with the record owner
 20 of real property in which it was agreed that the record
 21 owner will deliver the deed to the property to the purchaser
 22 when certain conditions have been met, such as completion of
 23 payments by the purchaser.
 24 (2) When it is required by statute that legal notice
 25 be given to the owner of real property, the same notice must

1 be given to a purchaser of that property under a contract
 2 for deed.

3 Section 2. Section 7-2-4312, MCA, is amended to read:
 4 "7-2-4312. Resolution of intent by first-class city --
 5 notice. When, in the judgment of any city council of a city
 6 of the first class expressed by a resolution duly and
 7 regularly passed and adopted, it will be to the best
 8 interest of such city and the inhabitants of any contiguous
 9 platted tracts or parcels of land or unplatted land for
 10 which a certificate of survey has been filed that the
 11 boundaries of such city shall be extended so as to include
 12 the same within the corporate limits thereof, the city clerk
 13 of such city shall:

14 (1) immediately notify in writing, addressed to the
 15 address to which tax notices are sent, all owners and
 16 purchasers under contracts for deed of property in the
 17 territory to be embraced; and

18 (2) cause a notice to be published in the newspaper
 19 published nearest such platted tracts or parcels of land or
 20 unplatted land for which a certificate of survey has been
 21 filed, at least once a week for 2 successive weeks."

22 Section 3. Section 7-3-1309, MCA, is amended to read:
 23 "7-3-1309. Division of assessment. (1) There shall be
 24 in the department of finance a division of assessment, the
 25 head of which shall be the assessor. The assessor and his

-2- INTRODUCED BILL

HB 812

1 deputies shall have the powers, qualify in the manner, and
2 perform the duties prescribed for county assessors and
3 deputy assessors by general law.

4 (2) The assessor shall also be in charge of the
5 preparation of all special assessments for public
6 improvements, the giving of notice of such assessments to
7 property owners and purchasers of property under contracts
8 for deed, and the certification of all unpaid assessments to
9 the director of finance."

10 Section 4. Section 7-3-4431, MCA, is amended to read:

11 "7-3-4431. Department of finance. (1) The duties of
12 the director of finance shall include the keeping and
13 supervision of all accounts and the custody of all public
14 money of the municipality; the purchase, storage, and
15 distribution of supplies needed by the various departments;
16 the making and collection of special assessments; the
17 issuance of licenses; the collection of license fees and
18 taxes; and such other duties as the commission may by
19 ordinance require.

20 (2) He shall install and have supervision over the
21 accounts of all the departments and offices of the
22 municipality. Whenever practicable the books of financial
23 accounts shall be kept in the office of the department of
24 finance. He shall require daily departmental reports of
25 money receipts and the disposition thereof and shall require

1 of each, in such form as may be prescribed, current
2 financial and operating statements exhibiting each
3 transaction and the cost thereof. Upon the death,
4 resignation, removal or expiration of the term of any
5 officer, he shall examine the accounts of such officer and
6 report his findings to the city manager.

7 (3) He shall have charge of the preparation and
8 certification of all special assessments for public
9 improvements, the mailing of notices of such assessments to
10 property owners and purchasers of property under contracts
11 for deed and all other duties connected therewith, the
12 collection of such assessments as are payable directly to
13 the municipality, and the preparation and certification of
14 all unpaid assessments to the county treasurer for
15 collection. He shall issue all licenses and collect all fees
16 therefor and shall pay the same into the treasury in the
17 manner provided by ordinance.

18 (4) The director of finance shall be the custodian of
19 all public money of the municipality and all other public
20 money coming into his hands. He shall keep and preserve such
21 money in the place or places determined by ordinance or by
22 the provisions of any law applicable thereto. Except as
23 otherwise provided in this part or part 43, he shall
24 collect, receive, and disburse all public money of the
25 municipality upon warrant and shall also receive and

disburse all other public money coming into his hands in pursuance of such regulations as may be prescribed by the authorities having lawful control over such funds."

Section 5. Section 7-3-4448, MCA, is amended to read:

"7-3-4448. Vacating or changing name of street. (1)

The commission, in vacating any street or part of a street or changing the name of any street, may include in one ordinance the change of name or the vacation or narrowing of more than one street, alley, or avenue. Before vacating any street or part thereof or narrowing any street, the commission shall first pass a resolution declaring its intention to do so.

(2) The city manager shall serve notice of the resolution, in the manner that service of summons is required to be made in civil actions, upon all persons whose ~~who are owners or purchasers under contracts for deed of~~ property ~~that~~ abuts upon the portion of the street affected by the proposed vacation or narrowing and shall publish notice once in one daily newspaper of general circulation in the municipality if there is one or if not, once in one weekly newspaper of like circulation. The notice shall state the time and place at which objections will be heard.

(3) Unless at least 51% of the affected property owners object to the proposed vacation or narrowing, the commission may by ordinance declare such vacation or

narrowing. The order of the commission vacating or narrowing a street or alley which has been dedicated to public use by the proprietor, to the extent that it is vacated or narrowed, operates as a revocation of the acceptance thereof by the commission, but the right-of-way and easement therein of any lot owner is not impaired thereby."

Section 6. Section 7-13-2304, MCA, is amended to read:

"7-13-2304. Notice of intention to levy tax. (1) When the written estimate of the amount of money required has been delivered to the board of county commissioners, said board shall give notice of its intention to levy and collect a tax sufficient for the payment thereof.

(2) Such notice shall be given:

(a) by posting notice thereof in five public places within the county and within the boundaries of the lands upon which the tax is to be levied;

(b) by publishing a copy of the notice once each week for 2 consecutive weeks in a newspaper published in each county wherein the district is located; and

(c) by forwarding, by regular first-class mail or registered or certified mail at least 10 days prior to the hearing provided for in 7-13-2306(4), a copy of the notice addressed to the owners ~~and the purchasers under contracts for deed~~ of taxable real property within the district as shown by the current assessment book on file in the office

1 of the assessor of the county or counties the boundaries of
2 which include taxable real property of the district."

3 Section 7. Section 7-14-4109, MCA, is amended to read:

4 "7-14-4109. Power to order certain improvements
5 without creation of special improvement district. (1)
6 Without the formation of a special improvement district, the
7 city council may order sidewalks, curbs, or gutters
8 constructed in front of any lot or parcel of land and may
9 order alley approaches constructed or replaced adjacent to
10 any lot or parcel of land.

11 (2) Whenever the council orders any such sidewalk,
12 curb, or gutter constructed or any such alley approach
13 constructed or replaced, the order shall be entered upon the
14 minutes of the council and shall name the street along which
15 the sidewalk, curb, or gutter is to be constructed or along
16 which the alley approach is to be constructed or replaced.

17 (3) After the making of such order, written notice
18 thereof shall be given to the owner or agent of the owner
19 ~~and to any purchaser under contract for deed~~ of such
20 property or the owners or agents of all adjacent owners
21 having access to their properties by the alley approach, as
22 appropriate, in such manner as the council may direct.

23 (4) If the owner or agent of the owner of such lot or
24 parcel of land or if the owners or agents of all adjacent
25 owners having access to their property by the alley approach

1 fail or neglect for a period of 30 days after the date of
2 service of the notice to cause such sidewalk, curb, or
3 gutter to be constructed or to cause such alley approaches
4 to be constructed or replaced, the city may construct or
5 cause the sidewalk, curb, or gutter to be constructed or may
6 construct or cause the alley approach to be constructed and
7 shall assess the cost thereof, including engineering costs
8 and the costs enumerated in 7-12-4121 and 7-12-4169, against
9 the property in front of which the same is constructed or
10 against the lots or parcels of land having access via the
11 constructed alley approaches. The collection of the assessed
12 costs shall be as provided in 7-12-4181 through 7-12-4191.

13 (5) (a) When any sidewalk, curb, or gutter or alley
14 approach is constructed by or under direction of the city
15 council, payment for the construction shall be made by
16 special warrants in such form as may be prescribed by
17 ordinance and drawn against a fund to be known as the
18 special sidewalk, curb, and gutter fund or the special alley
19 approach fund, as appropriate, and the council may provide
20 for the payment of interest annually.

21 (b) The warrants drawn on the special alley approach
22 fund shall bear interest at a rate of up to 6% a year."

23 Section 8. Section 7-15-4215, MCA, is amended to read:

24 "7-15-4215. Notice of hearing on urban renewal plan.

25 (1) The notice required by 7-15-4214(1) shall be given by

publication once each week for 2 consecutive weeks, not less than 10 or more than 30 days prior to the date of the hearing, in a newspaper having a general circulation in the urban renewal area of the municipality and by mailing a notice of such hearing, not less than 10 days prior to the date of the hearing, to the persons whose names appear on the county treasurer's tax roll as the owners or reputed owners or purchasers under contracts for deed of the property, at the address shown on the tax roll.

(2) The notice shall describe the time, date, place, and purpose of the hearing, shall generally identify the urban renewal area affected, and shall outline the general scope of the urban renewal plan under consideration."

Section 9. Section 7-22-2406, MCA, is amended to read:

"7-22-2406. Notice of hearing on petition to create district. (1) If addresses are known, the commissioners shall cause notice of the hearing provided for in 7-22-2403 to be mailed to each nonresident owner and purchaser under contract for deed of taxable real and personal property within the proposed district.

(2) The commissioners shall cause notice to be posted in three public places within the district. Whenever the district is partly in one county and partly in another county, notice must be posted in each county but posting need not be in three places in each county.

(3) The commissioners shall also cause notice to be given of the time and place of the hearing and the methods of objection by publication in a newspaper within or nearest to the district and, if the district is partly in one county and partly in another county, in a newspaper in each county, if such newspaper exists. The publication must be for two weekly issues.

(4) Posting and first publication shall be at least 10 days before the hearing."

Section 10. Section 7-22-2446, MCA, is amended to read:

"7-22-2446. Hearing on petition for dissolution -- notice. Upon the filing of a petition for dissolution, the board of county commissioners shall set a time for hearing the petition and shall cause notice thereof to be mailed to all nonresident property owners and purchasers under contracts for deed within the district whose addresses are known, to be posted in at least three public places within the district, and to be published at least once in the official newspaper of the county published in the district, the posting and publication to be at least 10 days before the date of hearing. Whenever the district is partly in one county and partly in another county, notice must be posted in each county, but posting need not be in three places in each county, and notice must be published in the official

1 newspaper of each county."

2 Section 11. Section 15-7-102, MCA, is amended to read:

3 "15-7-102. Notice of classification and appraisal to
4 owners -- appeals. (1) It shall be the duty of the
5 department of revenue to cause to be mailed to each owner
6 ~~and purchaser under contract for deed~~ a notice of the
7 classification of the land owned ~~or being purchased~~ by him
8 and the appraisal of the improvements thereon.

9 (2) If the owner of any land and improvements is
10 dissatisfied with the appraisal or classification of his
11 land or improvements, he may submit his objection in writing
12 to the department's agent. The department shall give
13 reasonable notice to such taxpayer of the time and place of
14 hearing and hear any testimony or other evidence which the
15 taxpayer may desire to produce at such time and afford the
16 opportunity to other interested persons to produce evidence
17 at such hearing. Thereafter, the department shall determine
18 the true and correct appraisal and classification of such
19 land or improvements and forthwith notify the taxpayer of
20 its determination. In the notification, the department must
21 state its reasons for revising the classification or
22 appraisal. When so determined, the land shall be classified
23 and improvements appraised in the manner ordered by the
24 department.

25 (3) Whether a hearing as provided in subsection (2) is

1 held or not, the department or its agent may not adjust an
2 appraisal or classification upon taxpayer's objection
3 unless:

4 (a) the taxpayer has submitted his objection in
5 writing; and

6 (b) the department or its agent has stated its reason
7 in writing for making the adjustment.

8 (4) A taxpayer's written objection to a classification
9 or appraisal and the department's notification to the
10 taxpayer of its determination and the reason for that
11 determination are public records. Each county appraiser
12 shall make such records available for inspection during
13 regular office hours.

14 (5) If any property owner shall feel aggrieved at the
15 classification and/or the appraisal so made by the
16 department, he shall have the right to appeal to the county
17 tax appeal board and then to the state tax appeal board,
18 whose findings shall be final subject to the right of review
19 in the proper court or courts."

20 Section 12. Section 15-7-208, MCA, is amended to read:

21 "15-7-208. Reclassification by department. The
22 department of revenue or its agent may reclassify land as
23 nonagricultural upon giving due notice to the property owner
24 ~~or any purchaser under contract for deed~~ under the
25 provisions of 15-7-102. Upon notice of a change in

1 classification of land from agricultural to another use, the
 2 property owner may petition the department to reclassify the
 3 land as agricultural by completing a form prescribed by the
 4 department and by producing whatever information is
 5 necessary to prove that the subject land meets the
 6 definition of agricultural land embodied in 15-7-202."

7 Section 13. Section 15-15-101, MCA, is amended to
 8 read:

9 "15-15-101. County tax appeal board -- meetings and
 10 compensation. (1) The board of county commissioners of each
 11 county shall appoint a three-member county tax appeal board,
 12 with the members to serve staggered terms of 3 years each.
 13 The members of each county tax appeal board shall be
 14 residents of the county in which they serve. They shall
 15 receive compensation of \$25 a day and travel expenses as
 16 provided for in 2-18-501 through 2-18-503, as amended, only
 17 when the county tax appeal board is in session to hear
 18 taxpayers' appeals from property tax assessments or when
 19 they are attending meetings called by the state tax appeal
 20 board. Travel expenses and compensation shall be paid from
 21 the appropriation to the state tax appeal board. Office
 22 space and equipment for the county tax appeal boards shall
 23 be furnished by the county. All other incidental expenses
 24 shall be paid from the appropriation of the state tax appeal
 25 board.

1 (2) The county tax appeal board must meet on the third
 2 Monday of April in each year to hear protests concerning
 3 assessments made by the department of revenue. It must
 4 continue in session for that purpose from time to time until
 5 the business of hearing protests is disposed of, but, except
 6 as provided in 15-2-201, not later than 60 days after the
 7 department of revenue or its agent:

8 (a) has mailed notice of classification and appraisal
 9 to all property owners and purchasers under contracts for
 10 deed as required in 15-7-102; and

11 (b) has notified the county tax appeal board that
 12 classification and appraisal notices have been mailed to all
 13 property owners and purchasers under contracts for deed.

14 (3) In connection with any such appeal, the county tax
 15 appeal board may change any assessment or fix the assessment
 16 at some other level. The county clerk shall publish a notice
 17 to taxpayers, giving the time the county tax appeal board
 18 will meet to hear protests concerning assessments and the
 19 latest date the county tax appeal board may take
 20 applications for such hearings. The notice shall be
 21 published in a newspaper if any is printed in the county or,
 22 if none, then in such manner as the board may direct. The
 23 notice shall be published at least 7 days prior to the first
 24 meeting of the county tax appeal board.

25 (4) Challenges to a department of revenue rule

governing the assessment of property or to an assessment procedure shall apply only to the taxpayer bringing the challenge and may not apply to all similarly situated taxpayers unless an action is brought in the district court as provided in 15-2-307 through 15-2-310."

Section 14. Section 15-18-202, MCA, is amended to read:

"15-18-202. Notice of application for tax deed. (1) The purchaser of property sold for delinquent taxes or his assignee must, at least 60 days previous to the expiration of the time for redemption or at least 60 days before he applies for a deed, serve upon the owner of the property purchased, if known, ~~any purchaser of the property under contract for deed, if known,~~ and upon the person occupying the property, if the said property is occupied, and if the records in the office of the county clerk and recorder show an unreleased mortgage or mortgages upon the property purchased, upon the mortgagee or mortgagees named in said mortgage or mortgages or, if assigned, upon the assignee or assignees of said mortgage or mortgages, a written notice stating that said property or a portion thereof has been sold for delinquent taxes, giving the date of sale, the amount of property sold, the amount for which it was sold, the amount due, and the time when the right of redemption will expire or when the purchaser will apply for a tax deed.

The owner of the property or the mortgagee or the assignee of said mortgagee has the right of redemption indefinitely, until such notice has been given and the deed applied for, upon the payment of fees, percentages, penalties, and costs required by law.

(2) Notice of ~~to~~ any owner, ~~purchaser of property under contract for deed,~~ mortgagee, or assignee of mortgagee shall be given by registered or certified letter addressed to such ~~owner, purchaser,~~ mortgagee, or assignee at the post-office address of said owner, ~~purchaser,~~ mortgagee, or assignee as disclosed by the mortgage records in the office of the county clerk and recorder. In case of unoccupied property or a mining claim, such notice must be by registered or certified mail deposited in the post office, addressed to any known owner residing in or outside of said county, with the postage thereon prepaid, at least 60 days before the expiration of the time for redemption or at least 60 days before the purchaser applies for such tax deed, in addition to notice to the mortgagee or assignee of mortgagee in the manner and as hereby is provided.

(3) In all cases where the post-office address of the owner, ~~purchaser,~~ mortgagee, or assignee is unknown, the applicant shall publish once a week for 2 successive weeks in a newspaper published in the county where the property is situated a notice substantially in the following form:

1 Notice of Application for Tax Deed

2 Notice is hereby given that the undersigned will on the
3 day of, 19..., apply to the county treasurer
4 of county for a tax deed to the following described
5 property, to wit:

6 (Describe property)

7 Amount due \$.....

8 Date

9 (Applicant)

10 (4) The first publication of such notice must be made
11 at least 60 days before the date of redemption or
12 application for said deed.

13 (5) In all cases due proof of service of notice in
14 whatever manner given, supported by the affidavit required
15 by law, must be filed immediately with the clerk and
16 recorder of the county in which the property is situated and
17 be kept as a permanent file in his office, and such proof of
18 notice when so filed shall be prima facie evidence of the
19 sufficiency of the notice."

20 Section 15. Section 15-23-102, MCA, is amended to
21 read:

22 "15-23-102. Notice of assessment -- opportunity for
23 conference -- appeal. After assessing property under
24 15-23-101, the department shall notify the owner and any
25 purchaser under contract for deed of such property, in

1 writing, of the assessed value it has determined. Within 20
2 days following notification, the taxpayer may demand a
3 review of the validity of the department's assessment. The
4 department shall conduct an assessment review conference,
5 which is not subject to the contested case procedures of the
6 Montana Administrative Procedure Act. However, a party has
7 the right of discovery prior to any assessment revision
8 review conference. Upon consideration following such
9 conference, the department may revise the assessment.
10 Appeals from the final decision may be taken to the state
11 tax appeal board."

12 Section 16. Section 50-62-103, MCA, is amended to
13 read:

14 "50-62-103. Service of order to repair or demolish
15 structure. (1) If the state fire marshal, a deputy state
16 fire marshal, or any officer mentioned in 50-62-101, upon an
17 examination or inspection, finds that a building or other
18 structure which for want of proper repair or by reason of
19 age and dilapidated condition, defective or poorly installed
20 electric wiring or equipment, defective chimneys, defective
21 gas connections or defective heating apparatus or for any
22 other cause or reason is especially liable to fire and is so
23 situated as to endanger other buildings or property in the
24 vicinity, he shall order the structure to be repaired, torn
25 down, or demolished and all materials removed and all

1 dangerous conditions remedied.

2 (2) The order shall be in writing, shall recite the
3 grounds therefor, and shall be filed in the office of the
4 clerk of the district court of the county in which the
5 building or structure ordered to be altered, repaired, or
6 demolished is situated, and thereupon all further
7 proceedings for the enforcement thereof shall be had in that
8 court.

9 (3) A copy of the order filed as aforesaid, together
10 with a written notice that it has been filed and will be put
11 in force unless the owner, occupant, or tenant shall file
12 with the clerk of the court his objections or answer thereto
13 within the time specified in 50-62-104, shall be served upon
14 the owner and any purchaser under contract for deed of the
15 building or structure directed to be altered, repaired, or
16 demolished. If there is a tenant occupying the building,
17 service shall also be made upon him. Service shall be made
18 upon the owner and occupant, if there is one, personally
19 either within or without the state.

20 (4) If the whereabouts of the owner or any purchaser
21 under contract for deed is unknown and he cannot be
22 ascertained by the state fire marshal by the exercise of
23 reasonable diligence, then upon his filing in the office of
24 the clerk of the district court his affidavit to this
25 effect, service of the notice upon the owner or any

1 purchaser under contract for deed may be made by the clerk
2 of the district court by publication of it once in each week
3 for 3 successive weeks in a newspaper printed and published
4 in the county in which the building or structure is located
5 and by posting a copy thereof in a conspicuous place upon
6 the building or structure, and the service so made is
7 complete upon the expiration of the publication period.
8 Proof of service of the notice shall be filed in the office
9 of the clerk of the district court within 5 days after the
10 service thereof."

11 Section 17. Section 69-4-317, MCA, is amended to read:
12 "69-4-317. Publication and distribution of notice. (1)
13 Notice shall be published in full five times in a daily
14 newspaper or once in a weekly newspaper of general
15 circulation in the county, city, or town in which said
16 district is located. A copy of such notice shall be mailed
17 by the governing body to each owner and purchaser under
18 contract for deed of land within the proposed district whose
19 property will be assessed for the cost of the improvement.
20 The address to be used for said purpose shall be that last
21 appearing on the real property assessment rolls of the
22 county wherein said property is located.

23 (2) Mailed notices and the published notice shall
24 state where a copy of the resolution will be available for
25 inspection by any interested parties."

Section 18. Section 69-4-325, MCA, is amended to read:

"69-4-325. Notice of hearing on proposed assessments.

(1) After the preparation of the ordinance provided for in 69-4-324, notice of a public hearing on the proposed assessments shall be given.

(2) Such notice shall be published one time in a newspaper in which the first notice of hearing was published at least 20 days before the date fixed for the hearing and shall be mailed by the governing body not less than 15 days prior to the date fixed for such hearing to each owner and ~~purchaser under contract for deed~~ of real property whose property will be assessed for part of the cost of the improvement at the addresses appearing on the last completed real property assessment rolls of the county wherein said affected property is located.

(3) (a) Each notice shall state that at the specified time and place, the governing body will hold a public hearing upon the proposed assessments and shall state that any owner of any property to be assessed pursuant to the ordinance will be heard on the question of whether his property will be benefited by the proposed improvement to the amount of the proposed assessment against his property and whether the amount assessed against his property constitutes more than his proper proportional share of the total cost of the improvement.

(b) The notice shall further state where a copy of the ordinance proposed to be adopted levying the assessments against all real property in the district will be on file for public inspection and that, subject to such changes and corrections therein as may be made by the governing body, it is proposed to adopt the ordinance at the conclusion of the hearing.

(c) The published notice shall describe the boundaries or area of the district with sufficient particularity to permit each owner of real property therein to ascertain that his property lies in the district. The mailed notice may refer to the district by name and date of creation and shall state the amount of the assessment proposed to be levied against the real property of the person to whom the notice is mailed and the terms of installment financing, if any. In the absence of fraud, the failure to mail any notice does not invalidate any assessment or any proceeding under this part."

Section 19. Section 69-4-353, MCA, is amended to read:

"69-4-353. Conversion of facilities on public property -- notice to landowners. (1) Upon completion of the conversion of the overhead electric or communication facilities on public lands and right-of-way to underground, the public utility shall file a verified statement of the costs of such conversion with the governing body.

(2) The governing body shall mail to each landowner ~~and purchaser of property under contract for deed~~ a notice stating that:

(a) service from the underground facilities is available;

(b) the landowner has 60 days after the date of the mailing of such notice to convert all overhead electric or communication facilities providing service to any structure or improvement located on his lot or parcel to underground service facilities; and

(c) after the 60-day period following the date of the mailing of the notice, the governing body will order the public utility to disconnect and remove all overhead electric and communication facilities providing service to any structure or improvement within the area."

Section 20. Section 70-30-203, MCA, is amended to read:

"70-30-203. Contents of complaint. The complaint must contain:

(1) the name of the corporation, association, commission, or person in charge of the public use for which the property is sought, who must be styled plaintiff;

(2) the names of all owners, ~~purchasers under contracts for deed~~, mortgagees, and lienholders of record and any other claimants of the property of record, if known,

or a statement that they are unknown, who must be styled defendants;

(3) a statement of the right of plaintiff;

(4) if a right-of-way is sought, the complaint must show the location, general route, and termini and must be accompanied with a map thereof, so far as the same is involved in the action or proceeding;

(5) a description of each piece of land sought to be taken and whether the same includes the whole or only a part of the entire parcel or tract. All parcels lying in the county and required for the same public use may be included in the same or separate proceedings, at the option of the plaintiff, but the court may consolidate or separate them to suit the convenience of the parties. When application for the condemnation of a right-of-way for the purposes of sewerage is made on behalf of a settlement or a town or a county, the county commissioners of the county may be named as plaintiff.

(6) if a sand, stratum, or formation suitable for use as an underground natural gas storage reservoir is sought to be appropriated, a description thereof and of the land in which it is alleged to be contained and a description of all other property and rights sought to be appropriated for use in connection with the appropriation of the right to store natural gas in and withdraw natural gas from such reservoir.

1 In addition, the complaint shall state facts showing that
 2 the underground reservoir is one subject to appropriation by
 3 plaintiff; also stating that the underground storage of
 4 natural gas in the land sought to be appropriated is in the
 5 public interest; that the underground reservoir is suitable
 6 and practicable for natural gas storage; that the plaintiff
 7 in good faith has been unable to acquire the rights sought
 8 to be appropriated hereunder and a statement that the rights
 9 and property sought to be appropriated are not prohibited by
 10 law; and in addition, the complaint must be accompanied by a
 11 certificate from the board of oil and gas conservation as
 12 set forth in 82-10-304."

13 Section 21. Section 76-3-605, MCA, is amended to read:

14 "76-3-605. Hearing on preliminary plat. (1) The
 15 governing body or its authorized agent or agency shall hold
 16 a public hearing on the preliminary plat and shall consider
 17 all relevant evidence relating to the public health, safety,
 18 and welfare, including the environmental assessment, to
 19 determine whether the plat should be approved, conditionally
 20 approved, or disapproved by the governing body.

21 (2) When a proposed subdivision is also proposed to be
 22 annexed to a municipality, the governing body of the
 23 municipality shall hold joint hearings on the preliminary
 24 plat and annexation whenever possible.

25 (3) Notice of such hearing shall be given by

1 publication in a newspaper of general circulation in the
 2 county not less than 15 days prior to the date of the
 3 hearing. The subdividers and each property owner of record
 4 ~~and each purchaser under contract for deed of property~~
 5 immediately adjoining the land included in the plat shall
 6 also be notified of the hearing by registered or certified
 7 mail not less than 15 days prior to the date of the hearing.

8 (4) When a hearing is held by an agent or agency
 9 designated by the governing body, the agent or agency shall
 10 act in an advisory capacity and recommend to the governing
 11 body the approval, conditional approval, or disapproval of
 12 the plat. This recommendation must be submitted to the
 13 governing body in writing not later than 10 days after the
 14 public hearing."

15 Section 22. Section 80-7-114, MCA, is amended to read:

16 "80-7-114. Removal of infected trees -- assessment of
 17 costs. (1) If a person owning any orchard or nursery stock
 18 infected or infested with any injurious insect pest or
 19 disease and which becomes a menace to the agricultural or
 20 fruit industry or a menace to ornamental trees, shrubs,
 21 plants, or vines fails to comply with the instructions of
 22 the department for the destruction or control of the
 23 injurious insect pest or disease or the destruction of the
 24 infested or infected orchard or nursery stock within the
 25 time specified by the department, the department may

1 condemn, remove, or destroy the orchard or nursery stock or
2 treat it with a proper remedy.

3 (2) If an owner fails to pay the cost of the removal,
4 treatment, or destruction within 30 days after notice has
5 been mailed to the owner at his last known post-office
6 address and to any purchaser of the property under contract
7 for deed at his last known post-office address, the cost
8 shall become a lien on the land of the owner and shall be
9 added by the county treasurer to the taxes upon the property
10 and collected as other taxes."

11 Section 23. Section 80-7-206, MCA, is amended to read:

12 "80-7-206. Expenses of eradicating orchard diseases --
13 collection as tax. (1) When, under the direction or rules of
14 the department, any money is spent by it to eradicate any
15 disease or insect pest from an orchard or other place where
16 fruits are grown or kept, the department shall notify the
17 owner of the orchard or premises and any purchaser of the
18 property under contract for deed in writing of the amount
19 spent plus an additional charge of 25% of the amount spent.
20 The notice shall be mailed to the last known address of the
21 owner or purchaser under contract for deed.

22 (2) If the owner fails to pay the amount spent by the
23 department plus the additional charge of 25% within 30 days
24 of the time the notice is sent, the department shall file a
25 verified statement with the county treasurer where the money

1 was spent. The statement shall set forth the amount spent
2 plus the additional charge of 25%, together with the correct
3 description of the property on which the money was spent as
4 it appears on the assessment roll of the county.

5 (3) The county treasurer shall add the amount
6 contained in the statement to the taxes upon the property
7 and shall collect them in the manner provided for collection
8 of state and county taxes.

9 (4) The county treasurer in any county where any money
10 is collected as provided in subsection (3) shall, on or
11 before February 1 each year, remit the amount to the state
12 treasurer, who shall deposit same to the credit of the
13 general fund of the state."

14 Section 24. Section 82-2-224, MCA, is amended to read:

15 "82-2-224. Notice of condemnation -- filing of plat.
16 Any party seeking to condemn property for open-pit mining
17 purposes shall serve notice in writing on all owners and
18 purchasers under contracts for deed of property within 300
19 yards of the surface tract sought to be condemned or in lieu
20 thereof shall file a plat showing the boundaries of the
21 property sought to be condemned in the office of the county
22 clerk and recorder, and the filing of said plat shall
23 constitute notice to the owner or owners not personally
24 served with written notice as herein provided."

25 Section 25. Section 82-4-222, MCA, is amended to read:

1 "82-4-222. Permit application. (1) An operator
2 desiring a permit shall file an application which shall
3 contain a complete and detailed plan for the mining,
4 reclamation, revegetation, and rehabilitation of the land
5 and water to be affected by the operation. Such plan shall
6 reflect thorough advance investigation and study by the
7 operator and shall include all known or readily discoverable
8 past and present uses of the land and water to be affected
9 and the approximate periods of such use and shall state:

10 (a) the location and area of land to be affected by
11 the operation, with a description of access to the area from
12 the nearest public highways;

13 (b) the names and addresses of the owners of record
14 ~~and any purchasers under contracts for deed~~ of the surface
15 of the area of land to be affected by the permit and the
16 owners of record ~~and any purchasers under contracts for deed~~
17 of all surface area within one-half mile of any part of the
18 affected area;

19 (c) the names and addresses of the present owners of
20 record ~~and any purchasers under contracts for deed~~ of all
21 subsurface minerals in the land to be affected;

22 (d) the source of the applicant's legal right to mine
23 the mineral on the land affected by the permit;

24 (e) the permanent and temporary post-office addresses
25 of the applicant;

1 (f) whether the applicant or any person associated
2 with the applicant holds or has held any other permits under
3 this part and an identification of those permits;

4 (g) whether the applicant is in compliance with
5 82-4-251 and, if known, whether every officer, partner,
6 director, or any individual owning of record or
7 beneficially, alone or with associates, 10% or more of any
8 class of stock of the applicant is subject to any of the
9 provisions of 82-4-251 and he shall so certify and whether
10 any of the foregoing parties or persons have ever had a
11 strip-mining or underground-mining license or permit issued
12 by any other state or federal agency revoked or have ever
13 forfeited a strip-mining or underground-mining bond or a
14 security deposited in lieu of a bond and, if so, a detailed
15 explanation of the facts involved in each case must be
16 attached;

17 (h) the names and addresses of any persons who are
18 engaged in strip- or underground-mining activities on behalf
19 of the applicant;

20 (i) the annual rainfall and the direction and average
21 velocity of the prevailing winds in the area where the
22 applicant has requested a permit;

23 (j) the results of any test borings or core samplings
24 which the applicant or his agent has conducted on the land
25 to be affected, including the nature and the depth of the

1 various strata or overburden and topsoil, the quantities and
2 location of subsurface water and its quality, the thickness
3 of any mineral seam, an analysis of the chemical properties
4 of such minerals, including the acidity, sulphur content,
5 and trace mineral elements of any coal seam, as well as the
6 British thermal unit (Btu) content of such seam, and an
7 analysis of the overburden, including topsoil. If test
8 borings or core samplings are submitted, each permit
9 application shall contain two copies each of two sets of
10 geologic cross sections accurately depicting the known
11 geologic makeup beneath the surface of the affected land.
12 Each set shall depict subsurface conditions at such
13 intervals as the department requires across the surface and
14 shall run at a 90-degree angle to the other set. The
15 department may not require intervals of less than 500 feet.
16 Each cross section shall depict the thickness and geologic
17 character of all known strata beginning with the topsoil. In
18 addition, each application for an underground-mining permit
19 shall be accompanied by cross sections and maps showing the
20 proposed underground locations of all shafts, entries, and
21 haulageways or other excavations to be excavated during the
22 permit period. These cross sections shall also include all
23 existing shafts, entries, and haulageways.

24 (k) the name and date of a daily newspaper of general
25 circulation within the county in which the applicant will

1 prominently publish at least once a week for 4 successive
2 weeks after submission of the application an announcement of
3 his application for a strip-mining or underground-mining
4 permit and a detailed description of the area of land to be
5 affected should a permit be granted;

6 (l) a determination of the probable hydrologic
7 consequences of coal mining and reclamation operations, both
8 on and off the mine site, with respect to the hydrologic
9 regime, quantity and quality of water in surface- and
10 ground-water systems, including the dissolved and suspended
11 solids under seasonal flow conditions and the collection of
12 sufficient data for the mine site and surrounding areas, so
13 that cumulative impacts of all anticipated mining in the
14 area upon the hydrology of the area and particularly upon
15 water availability can be made. However, this determination
16 is not required until such time as hydrologic information on
17 the general area prior to mining is made available from an
18 appropriate federal or state agency. The permit may not be
19 approved until such information is available and is
20 incorporated into the application.

21 (m) a coal conservation plan; and

22 (n) such other or further information as the
23 department may require.

24 (2) The application for a permit shall be accompanied
25 by two copies of all maps meeting the requirements of the

1 subsections below. The maps shall:

2 (a) identify the area to correspond with the
3 application;

4 (b) show any adjacent deep mining or surface mining
5 and the boundaries of surface properties and names of owners
6 of record of the affected area and within 1,000 feet of any
7 part of the affected area;

8 (c) show the names and locations of all streams,
9 creeks, or other bodies of water, roads, buildings,
10 cemeteries, oil and gas wells, and utility lines on the area
11 of land affected and within 1,000 feet of such area;

12 (d) show by appropriate markings the boundaries of the
13 area of land affected, any cropline of the seam or deposit
14 of mineral to be mined, and the total number of acres
15 involved in the area of land affected;

16 (e) show the date on which the map was prepared and
17 the north point;

18 (f) show the final surface and underground water
19 drainage plan on and away from the area of land affected.
20 This plan shall indicate the directional and volume flow of
21 water, constructed drainways, natural waterways used for
22 drainage, and the streams or tributaries receiving the
23 discharge.

24 (g) show the proposed location of waste or refuse
25 area;

1 (h) show the proposed location of temporary subsoil
2 and topsoil storage area;

3 (i) show the proposed location of all facilities;

4 (j) show the location of test boring holes;

5 (k) show the surface location lines of any geologic
6 cross sections which have been submitted;

7 (l) show a listing of plant varieties encountered in
8 the area to be affected and their relative dominance in the
9 area, together with an enumeration of tree varieties and the
10 approximate number of each variety occurring per acre on the
11 area to be affected, and the locations generally of the
12 various kinds and varieties of plants, including but not
13 limited to grasses, shrubs, legumes, forbs, and trees;

14 (m) be certified as follows: "I, the undersigned,
15 hereby certify that this map is correct and shows to the
16 best of my knowledge and belief all the information required
17 by the mining laws of this state." The certification shall
18 be signed and notarized. The department may reject a map as
19 incomplete if its accuracy is not so attested.

20 (n) contain such other or further information as the
21 department may require.

22 (3) If the department finds that the probable total
23 annual production at all locations of any strip- or
24 underground-coal-mining operation applied for will not
25 exceed 100,000 tons, any determination of probable

1 hydrologic consequences that the department requires and the
2 statement of result of test borings or core samplings shall,
3 upon written request of the operator, be performed by a
4 qualified public or private laboratory designated by the
5 department. The department shall assume the cost of the
6 determination and statement to the extent that it has
7 received funds for this purpose.

8 (4) In addition to the information and maps required
9 above, each application for a permit shall be accompanied by
10 detailed plans or proposals showing the method of operation,
11 the manner, time or distance, and estimated cost for
12 backfilling, subsidence stabilization, water control,
13 grading work, highwall reduction, topsoiling, planting,
14 revegetating, and a reclamation plan for the area affected
15 by the operation, which proposals shall meet the
16 requirements of this part and rules adopted under this part.
17 The reclamation plan shall address the life of the operation
18 and indicate the size, sequence, and the timing of the
19 subareas for which it is anticipated that individual permits
20 will be sought.

21 (5) Each applicant for a coal mining permit shall
22 submit as part of the application a certificate issued by an
23 insurance company authorized to do business in the state
24 certifying that the applicant has in force for the strip- or
25 underground-mining and reclamation operations for which the

1 permit is sought a public liability insurance policy, or
2 evidence that the applicant has satisfied other state or
3 federal self-insurance requirements. This policy shall
4 provide for personal injury and property damage protection
5 in an amount adequate to compensate any persons damaged as a
6 result of strip- or underground-coal-mining and reclamation
7 operations, including use of explosives, and entitled to
8 compensation under applicable provisions of state law. The
9 permittee must maintain the policy in full force and effect
10 during the term of the permit and any renewal until all
11 reclamation operations have been completed.

12 (6) Each applicant for a strip-mining or
13 underground-mining reclamation permit shall file a copy of
14 his application for public inspection with the clerk and
15 recorder at the courthouse of the county where the major
16 portion of mining is proposed to occur."

17 Section 26. Section 82-4-239, MCA, is amended to read:

18 "82-4-239. Reclamation by board. (1) The board may
19 have reclamation work done by its own employees or by
20 employees of other governmental agencies, soil conservation
21 districts, or through contracts with qualified persons. The
22 board may construct, operate, and maintain plants for the
23 control and treatment of water pollution resulting from mine
24 drainage.

25 (2) Any funds or any public works programs available

1 to the board shall be used and expended to reclaim and
 2 rehabilitate lands that have been subjected to strip mining
 3 or underground mining that have not been reclaimed and
 4 rehabilitated in accordance with the standards of this part.
 5 The board shall cooperate with federal, state, and private
 6 agencies to engage in cooperative projects under this
 7 section.

8 (3) Agents, employees, or contractors of the
 9 department may enter upon any land for the purpose of
 10 conducting studies or exploratory work to determine whether
 11 such land has been strip- or underground-mined and not
 12 reclaimed and rehabilitated in accordance with the
 13 requirements of this part and to determine the feasibility
 14 of restoration, reclamation, abatement, control, or
 15 prevention of any adverse effects of past coal-mining
 16 practices. Upon request of the commissioner, the attorney
 17 general shall bring an injunctive action to restrain any
 18 interference with the exercise of the right to enter and
 19 inspect granted in this subsection.

20 (4) If the department makes a finding of fact that:

21 (a) land or water resources have been adversely
 22 affected by past coal-mining practices; and

23 (b) the adverse effects are at a stage where in the
 24 public interest action to restore, reclaim, abate, control,
 25 or prevent should be taken; and

1 (c) the owners of the land or water resources where
 2 entry must be made to restore, reclaim, abate, control, or
 3 prevent the adverse effects of past coal-mining practices
 4 are not known or readily available or the owners will not
 5 give permission for the department or its agents, employees,
 6 or contractors to enter upon such property to restore,
 7 reclaim, abate, control, or prevent the adverse effects of
 8 past coal-mining practices;

9 Then agents, employees, or contractors of the
 10 department, after giving notice by mail to the owner, if
 11 known, and any purchaser under contract for deeds if known,
 12 or, if not neither is known, by posting notice upon the
 13 premises and advertising in a newspaper of general
 14 circulation in the county in which the land lies, may enter
 15 upon property adversely affected by past coal-mining
 16 practices and any other property necessary for access to
 17 such mineral property to do all things necessary or
 18 expedient to restore, reclaim, abate, control, or prevent
 19 the adverse effects of past coal-mining practices. This act
 20 is not an act of condemnation of property or of trespass but
 21 rather an exercise of the power granted by sections 1 and 2,
 22 Article IX of the Montana constitution.

23 (5) (a) Within 6 months after the completion of
 24 projects to restore, reclaim, abate, control, or prevent
 25 adverse effects of past coal-mining practices on privately

1 owned land, the department shall itemize the money so
2 expended and may file a statement thereof in the office of
3 the clerk and recorder of the county in which the land lies,
4 together with a notarized appraisal by an independent
5 appraiser of the value of the land before the restoration,
6 reclamation, abatement, control, or prevention of adverse
7 effects of past coal-mining practices if the money so
8 expended shall result in a significant increase in property
9 value. Such statement constitutes a lien upon the land. The
10 lien may not exceed the amount determined by the appraisal
11 to be the increase in the market value of the land as a
12 result of the restoration, reclamation, abatement, control,
13 or prevention of the adverse effects of past coal-mining
14 practices. No lien may be filed against the property of any
15 person, in accordance with this subsection, who owned the
16 surface prior to May 2, 1977, and who neither consented to
17 nor participated in nor exercised control over the mining
18 operation which necessitated the reclamation performed under
19 this part.

20 (b) The landowner may petition within 60 days of the
21 filing of the lien to determine the increase in the market
22 value of the land as a result of the restoration,
23 reclamation, abatement, control, or prevention of the
24 adverse effects of past coal-mining practices. The amount
25 reported to be the increase in value of the premises

1 constitutes the amount of the lien and shall be recorded
2 with the statement herein provided. Any party aggrieved by
3 the decision may appeal as provided by law.

4 (c) The lien provided in this section shall be
5 recorded at the office of the county clerk and recorder. The
6 statement constitutes a lien upon the land as of the date of
7 the expenditure of the money and has priority as a lien
8 second only to the lien of real estate taxes imposed upon
9 the land.

10 (6) The board may acquire the necessary property by
11 gift or purchase or, if the property cannot be acquired by
12 gift or purchase at a reasonable cost, proceedings may be
13 instituted in the manner provided in Title 70, chapter 30,
14 against all nonaccepting landholders if:

15 (a) the property is necessary for successful
16 reclamation;

17 (b) the acquired land after restoration, reclamation,
18 abatement, control, or prevention of the adverse effects of
19 past coal-mining practices will serve recreation and
20 historic purposes or conservation and reclamation purposes
21 or provide open space benefits; and

22 (c) permanent facilities such as treatment plants or
23 relocated stream channels will be constructed on the land
24 for the restoration, reclamation, abatement, control, or
25 prevention of the adverse effects of past strip- or

1 underground-coal-mining practices; or acquisition of coal
2 refuse disposal sites and all coal refuse thereon will serve
3 the purposes of this part in that public ownership is
4 desirable to meet emergency situations and prevent
5 recurrences of the adverse effects of past coal-mining
6 practices."

7 Section 27. Section 82-10-503, MCA, is amended to
8 read:

9 "82-10-503. Notice of drilling operations. In addition
10 to the requirements for geophysical exploration activities
11 governed by Title 82, chapter 1, part 1, the oil and gas
12 developer or operator shall give the surface owner ~~and any~~
13 ~~purchaser under contract for deed~~ written notice of the
14 drilling operations that he plans to undertake. This notice
15 shall be given to the record surface owner ~~and any purchaser~~
16 ~~under contract for deed~~ at ~~his address~~ ~~their addresses~~ as
17 shown by the records of the county clerk and recorder at the
18 time the notice is given. This notice shall sufficiently
19 disclose the plan of work and operations to enable the
20 surface owner to evaluate the effect of drilling operations
21 on the surface owner's use of the property."

22 Section 28. Section 85-15-202, MCA, is amended to
23 read:

24 "85-15-202. Examination and report -- subsequent
25 actions. (1) It is the duty of the persons so appointed to

1 make a thorough examination of the dam or reservoir. If,
2 upon examination, they find that persons or property are
3 endangered by reason of the dam or reservoir and it is not
4 secure against the pressure of the water confined therein or
5 the water that may be confined therein or against rains and
6 freshets that may occur and if they find that the same is
7 secure against the occurrence of the casualties mentioned or
8 any of them, they must make a report in writing to the
9 judge, which must be entered of record as a proceeding in
10 court.

11 (2) If, upon such examination as to the safety of such
12 reservoir, they consider such reservoir insufficient and
13 insecure, they must further inquire whether the danger to be
14 apprehended is imminent, and if they are of the opinion that
15 such danger is imminent and that destruction of life or
16 property may result from delay, it is their duty forthwith
17 to draw from such reservoir the waters therein or so much
18 thereof as will insure safety, and they must make return of
19 their action to the judge. In the discharge of such duties,
20 the persons so acting are peace officers.

21 (3) If, upon examination, they are of opinion that
22 such dam or reservoir is insecure and insufficient but that
23 the danger therefrom is not immediate or imminent, they must
24 so state in their report to the judge. The judge must
25 thereupon cause a copy of the report to be served on the

1 owner or ~~of the property, the~~ person in charge thereof, and
2 ~~any purchaser of the property under contract for deed,~~ with
3 a notice requiring him to make the same secure or to draw
4 the water therefrom without delay. Unless such order is
5 complied with after hearing, the judge may order the sheriff
6 to draw from said dam or reservoir the waters thereof."

-End-

V

MINUTES OF THE JUDICIARY COMMITTEE
February 19, 1983

The meeting of the House Judiciary Committee was called to order by Chairman Dave Brown at 7:02 a.m. in room 224A of the capitol building, Helena, Montana. All members were present with the exception of Representative Darko, who was excused. Brenda Desmond, Staff Attorney for the Legislative Council, was also present.

HOUSE BILL 812

REPRESENTATIVE SHONTZ explained this bill, which provides that when it is required that legal notice be given to the owner of real property, notice must also be given to a purchaser of the property under a contract of deed. BRENDA DESMOND passed out some proposed amendments for this bill. See EXHIBIT A. REPRESENTATIVE SHONTZ stated that in 1981, there were many homes sold on contract for deed in Montana. He also testified that the filing of water rights is also very important and gave an example wherein in the Sidney area about ten years ago, a rancher lost his water rights to a stock pond because he was buying the property from an individual who lived in Arizona; and he had not been informed when someone filed rights on the stock pond, that was mostly on his property.

BILL ROMINE, representing the Montana Association of County Clerks and Recorders, stated that he had prepared amendments to do what Representative Shontz had already done. He testified that, with these amendments, they supported this bill. He commented that some of the clerks are already doing this. He further said that Senate Bill 401 should address the water rights problem.

There were no further proponents.

There were no opponents.

REPRESENTATIVE SHONTZ indicated that Senate Bill 401 addresses instances where a title changes hands, but when there is a contract of deed, it does not apply.

There were no questions and the hearing on this bill was closed.

HOUSE BILL 828

REPRESENTATIVE CURTISS, District 20, Lincoln, stated that this is one more bill that attempts to bring about more

VISITORS' REGISTER

HOUSE JUDICIARY COMMITTEE

BILL House Bill 812

Date February 18, 1983

SPONSOR Representative Shontz

[illegible]

IF YOU CARE TO WRITE COMMENTS, ASK SECRETARY FOR LONGER FORM.

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Exhibit A
HB 812
2/19/83

Proposed Amendments to HB 812

1. Title, line 12.
Following: "82-10-503,"
Insert: "85-2-232, 85-2-307,"
2. Page 1, line 19
Following: "who"
Insert: ":(a)"
3. Page 1, line 23.
Following: "purchaser"
Insert: "; and (b) has recorded the contract or an abstract of the contract in accordance with Title 70, chapter 21"
4. Page 41, following line 21.
Section 28. Section 85-2-232, MCA is amended to read:

"85-2-232. Availability of preliminary decree. (1) The water judge shall send a copy of the preliminary decree to the department, and the water judge shall serve by mail a notice of availability of the preliminary decree to each person who has filed a claim of existing right and to the purchaser under contract for deed, as defined in [section 1], of property in connection with which a claim of existing right has been filed, or, in the Powder River Basin, to each person who has filed a declaration of an existing right. The water judge shall enclose with the notice an abstract of the disposition of such person's claimed or declared existing right. The notice of availability shall also be served upon those issued or having applied for and not having been denied a beneficial water use permit pursuant to Title 85, chapter 2, part 3, those granted a reservation pursuant to 85-2-316, or other interested persons who request service of the notice from the water judge. The clerk or person designated by the water judge to mail the notice shall make a general certificate of mailing certifying that a copy of the notice has been placed in the United States mail, postage prepaid, addressed to each party required to be served notice of the preliminary decree. Such certificate shall be conclusive evidence of due and legal notice of entry of decree.

(2) Any person may obtain a copy of the preliminary decree upon payment of a fee of \$20 or the cost of printing, whichever is greater, to the water judge."

Section 29. Section 85-2-307, MCA is amended to read:

"85-2-307. Notice of application. (1) (a) Upon receipt of a proper application for a permit, the department shall prepare a notice containing the facts pertinent to the application and shall publish the notice in a newspaper of general circulation in the area of the source once a week for 3 consecutive weeks. (b) Before the last date of

publication, the department shall also serve the notice by first-class mail upon: (i) an appropriator of water or applicant for or holder of a permit who, according to the records of the department, may be affected by the proposed appropriation - ; (ii) any purchaser under contract for deed, as defined in [section 1], of property which, according to the records of the department, may be affected by the proposed appropriation; and A-notice-shall-also-be-served-upon (iii) any public agency that has reserved waters in the source under 85-2-316. (c) The department may, in its discretion, also serve notice upon any state agency or other person the department feels may be interested in or affected by the proposed appropriation. (d) The department shall file in its records proof of service by affidavit of the publisher in the case of notice by publication and by its own affidavit in the case of service by mail.

(2) The notice shall state that by a date set by the department (not less than 30 days or more than 60 days after the last date of publication) persons may file with the department written objections to the application.

(3) The requirements of subsections (1) and (2) of this section do not apply if the department finds, on the basis of information reasonably available to it, that the appropriation as proposed in the application will not adversely affect the rights of other persons."

Renumber subsequent section.

(SAMPLE)

CONSTRUCTION LIEN NOTICE



HB 812

2/19/83

AS REQUIRED BY THE MONTANA CONSTRUCTION LIEN LAW,
BUILDER HEREBY NOTIFIES OWNER THAT PERSONS OR COMPANIES
FURNISHING LABOR OR MATERIALS FOR THE CONSTRUCTION ON
OWNER'S LAND MAY HAVE LIEN RIGHTS ON THAT LAND AND ON
THE BUILDINGS ON THAT LAND IF THEY ARE NOT PAID FOR SUCH
MATERIALS. THOSE ENTITLED TO LIEN RIGHTS, IN ADDITION TO
THE UNDERSIGNED BUILDER, ARE THOSE WHO CONTRACT DIRECTLY
WITH THE OWNER FOR LABOR OR MATERIALS FOR THE CONSTRUCTION.
BUILDER AGREES TO COOPERATE WITH THE OWNER AND HIS LENDER,
IF ANY, TO SEE THAT ALL POTENTIAL LIEN CLAIMANTS ARE DULY PAID.

Date of this Notice:

_____, 19 ____

SIGNED:

Builder
(give firm name & title of signer)

WITNESS STATEMENT

Name Bill Romaine Committee On Judiciary
Address Helena Date 2-19-83
Representing Clerks & Recorders Support X
Bill No. HR 812 Oppose _____
Amend X _____

AFTER TESTIFYING, PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Comments:

1. *with the amendment to make sure notice only has to be given to those who have Recorded a notice of purchaser's interest, the clerks support this bill*

2.

3.

4.

Itemize the main argument or points of your testimony. This will assist the committee secretary with her minutes.

MINUTES OF THE JUDICIARY COMMITTEE
February 19, 1983 - P.M.

The meeting of the House Judiciary Committee was called to order to Chairman Dave Brown in room 224A of the capitol building, Helena, Montana at 1:22 p.m.

Representative Dave Brown passed out copies of testimony offered on HOUSE BILL 831, presented by IRVIN E. DELLINGER, Executive Secretary for the Montana Building Dealers Association. See EXHIBIT A.

EXECUTIVE SESSION

HOUSE BILL 811

REPRESENTATIVE KEYSER moved that the bill DO PASS. The motion was seconded by REPRESENTATIVE JENSEN. REPRESENTATIVE KEYSER moved that the bill be amended on page 3, line 10 by striking "by March 31 of each year" and inserting "annually" also on page 5 and in the title. REPRESENTATIVE JENSEN seconded. The motion carried unanimously. REPRESENTATIVE KEYSER moved that this bill DO PASS, AS AMENDED. The motion was seconded by REPRESENTATIVE JENSEN. The motion carried unanimously.

HOUSE BILL 812

REPRESENTATIVE JENSEN moved that this bill DO PASS, seconded by REPRESENTATIVE KEYSER. MS. DESMOND explained the amendments offered by Representative Shontz. See EXHIBIT B. REPRESENTATIVE JENSEN moved adoption of the amendment, seconded by REPRESENTATIVE ADDY.

REPRESENTATIVE HANNAH questioned what is the effect of that amendment. REPRESENTATIVE ADDY replied that it says that a purchaser under contract of deed is entitled to notice only when he has filed a notice of purchaser's interest with the county clerk and recorder.

REPRESENTATIVE HANNAH wondered if the holder of an unrecorded contract stands to be damaged by this bill. REPRESENTATIVE ADDY answered no that this bill neither helps nor hurts that person. Addy further stated that perhaps the holder of an unrecorded contract does not deserve to be helped since he has not bothered to file.

The motion on the amendment carried unanimously.

REPRESENTATIVE JENSEN moved that the bill DO PASS, AS AMENDED. The motion was seconded by REPRESENTATIVE BERGENE. The motion carried unanimously.

STANDING COMMITTEE REPORT

February 19, 19 93

SPEAKER: !

MR.

JUDICIARY

We, your committee on

having had under consideration

HOUSE

Bill No. 812

First reading copy (white)
Color

A BILL FOR AN ACT ENTITLED: "AN ACT TO PROVIDE THAT WHEN IT IS REQUIRED THAT LEGAL NOTICE BE GIVEN TO THE OWNER OF REAL PROPERTY NOTICE MUST ALSO BE GIVEN TO A PURCHASER OF THE PROPERTY UNDER A CONTRACT FOR DEED; AMENDING SECTIONS 7-2-4312, 7-3-1309, 7-3-4431, 7-3-4448, 7-13-2304, 7-14-4109, 7-15-4215, 7-22-2406, 7-22-2446, 15-7-102, 15-7-208, 15-15-101, 15-18-202, 15-23-102, 50-62-103, 69-4-317, 69-4-325, 69-4-353, 70-30-203, 76-3-605, 80-7-114, 80-7-206, 82-2-224, 82-4-222, 82-4-239, 82-10-503, AND 85-15-202, MCA."

Respectfully report as follows: That

HOUSE

Bill No. 812

be amended as follows:

1. Title, line 12.
Following: "82-10-503,"
Insert: "85-2-232, 85-2-307,"
2. Page 1, line 19
Following: "who"
Insert: ":(a)"
3. Page 1, line 23.
Following: "purchaser"
Insert: "; and (b) has recorded the contract or an abstract of the contract in accordance with Title 70, chapter 21"

D2PASS

BEST COPY
AVAILABLE

Dave Brown,

Chairman.

February 19, 1983

Amended 4. Page 41, following line 21.

Insert: "Section 28. Section 85-2-232, MCA is amended to read:

"85-2-232. Availability of preliminary decree. (1) The water judge shall send a copy of the preliminary decree to the department, and the water judge shall serve by mail a notice of availability of the preliminary decree to each person who has filed a claim of existing right and to the purchaser under contract for deed, as defined in [section 1], of property in connection with which a claim of existing right has been filed, or, in the Powder River Basin, to each person who has filed a declaration of an existing right. The water judge shall enclose with the notice an abstract of the disposition of such person's claimed or declared existing right. The notice of availability shall also be served upon those issued or having applied for and not having been denied a beneficial water use permit pursuant to Title 85, chapter 2, part 3, those granted a reservation pursuant to 85-2-316, or other interested persons who request service of the notice from the water judge. The clerk or person designated by the water judge to mail the notice shall make a general certificate of mailing certifying that a copy of the notice has been placed in the United States mail, postage prepaid, addressed to each party required to be served notice of the preliminary decree. Such certificate shall be conclusive evidence of due and legal notice of entry of decree.

(2) Any person may obtain a copy of the preliminary decree upon payment of a fee of \$20 or the cost of printing, whichever is greater, to the water judge."

Section 29. Section 85-2-307, MCA is amended to read:

"85-2-307. Notice of application. (1)(a) Upon receipt of a proper application for a permit, the department shall prepare a notice containing the facts pertinent to the application and shall publish the notice in a newspaper of general circulation in the area of the source once a week for 3 consecutive weeks. (b) Before the last date of

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AVAILABLE

February 19, 1983

publication, the department shall also serve the notice by first-class mail upon: (i) an appropriator of water or applicant for or holder of a permit who, according to the records of the department, may be affected by the proposed appropriation = ; (ii) any purchaser under contract for deed, as defined in [section 1], of property which, according to the records of the department, may be affected by the proposed appropriation; and ~~A notice shall also be served upon~~ (iii) ~~any~~ public agency that has reserved waters in the source under 85-2-316. (c) The department may, in its discretion, also serve notice upon any state agency or other person the department feels may be interested in or affected by the proposed appropriation. (d) The department shall file in its records proof of service by affidavit of the publisher in the case of notice by publication and by its own affidavit in the case of service by mail.

(2) The notice shall state that by a date set by the department (not less than 30 days or more than 60 days after the last date of publication) persons may file with the department written objections to the application.

(3) The requirements of subsections (1) and (2) of this section do not apply if the department finds, on the basis of information reasonably available to it, that the appropriation as proposed in the application will not adversely affect the rights of other persons." "

Renumber subsequent section.

AND AS AMENDED
DO PASS

BEST COPY
AVAILABLE

.....Dave Brown,

Chairman.

COMMITTEE ON Senate Judiciary

BILL NO.	ENTERED COMM.	DATE CONSIDERED	OUT OF COMM.	DO NOT <u>DATE</u>	DO NOT PASS <u>DATE</u>	DO PASS AS AMEND. <u>DATE</u>	BE CON- CURRED IN <u>DATE</u>	BE CONC. IN AS AMENDED <u>DATE</u>	BE NOT CON- CURRED IN <u>DATE</u>
774	3-2-83	3-16-83	3-16-83				3-16-83		
789	3-2-83	3-21-83	3-21-83				3-21-83		
807	3-2-83	3-17-83	3-17-83				3-17-83		
808	3-2-83	3-15-83	TABLED						
811	3-2-83	3-21-83	3-21-83				3-21-83		
812	3-2-83	3-21-83	3-21-83					3-21-83	
825	3-2-83	3-11-83	3-12-83					3-12-83	
825	3-17-83	3-17-83	3-17-83					3-17-83	
855	3-2-83	3-19-83	3-19-83					3-19-83	
856	3-1-83	3-23-83	3-24-83					3-24-83	
857	3-1-83	3-17-83	3-17-83				3-17-83		
879	3-1-83	RE-REFERRED	TO EDUCATION						
880	3-1-83	3-23-83	3-24-83					3-24-83	

(Use Separate Sheet for Senate, House Bills, and Resolutions)

MINUTES OF MEETING
SENATE JUDICIARY COMMITTEE
March 19, 1983

The forty-seventh meeting of the Senate Judiciary Committee was called to order by Vice-Chairman Crippen in the absence of Chairman Turnage at 9:05 a.m., on March 19, 1983, in Room 325, State Capitol.

ROLL CALL: All members were present with the exception of Senator Berg.

CONSIDERATION OF HOUSE BILL 215: Representative Ramirez, sponsor of the bill, testified that this bill originated with the Montana Banker's Association and the Montana State Bar Legislative Committee. Representative Ramirez explained that the original Act was drafted in 1931 and adopted by Montana in 1959. It is Representative Ramirez's opinion that Montana is behind in adopting this Act as it is proposed in HB215. Representative Ramirez stated that the objective of HB215 is to determine the actual intent of a person who sets up the trust.

PROPONENTS: Mr. Howard E. Vralsted, of the Northwest Union Trust Company in Billings and appearing on behalf of Montana Banker's Association Trust Division, testified that he has reviewed similar legislation of other states, and it is his conclusion that Montana should adopt the revised Uniform Principle and Income Act. Mr. Vralsted testified that this legislation is intended to treat all beneficiaries fairly. Mr. Vralsted informed the Committee that the primary changes between the 1931 Act and HB215 are:

1. The 1931 Act does not allocate royalties received from minerals. HB215 has a provision for allocation of this income.
2. HB215 provides for depreciation, where the 1931 Act failed to contain this provision.
3. HB215 provides for allocation of trustee's fees, court costs, and attorney's fees.
4. In 1959, when the 1931 Act was adopted, that Act did not apply to trusts which were already established.

Mr. Vralsted informed the Committee that HB215 also changed the definition of "inventory value" and "trustee." Mr. Vralsted urged the Committee to support HB215.

Mr. David L. Johnson, Chairman of the Legislative Committee, Tax and Probate Section, State Bar of Montana, testified that Montana has not had much litigation construing the 1959 Act. Because of this, it is difficult to know exactly what the governing rules are. Mr. Johnson also testified that HB215 will not have a negative impact on tax receipts in Montana. He urged the Committee to support HB215.

fragmented and HB24 will bring the system back together by designating who has the responsibility for these programs and the financing. Mr. Mike Meloy, representing the Montana Youth Justice Council, testified that he feels there are too many sources of money. It is his opinion that because people try to qualify children under one program or another, that it is difficult to tell whether each child is being treated fairly. He reminded the Committee that the Federal Government feels that states should make their own decisions as to the best use of federal monies. Mr. Meloy feels that HB24 will bring the various youth programs closer to the community.

Eileen F. Morgan, representing the Montana Association of School Psychologists, stated that she supports the idea of increased accountability and feels HB24 will provide more services for emotionally disturbed youth.

OPPONENTS: Mr. Bob Larsson, a minister and Director of the Pine Haven Christian Children's Ranch, told of his personal experience in dealing with the Department of Social and Rehabilitation Services. Mr. Larsson is of the opinion that the various SRS decisions are detrimental to the children. Because of this, Mr. Larsson returned the license issued by the SRS to Pine Haven Christian Children's Ranch. Mr. Larsson believes the responsibility of placing troubled youth should lie with the youth courts, and HB24 should reflect this change. Mr. Larsson submitted written testimony (see attached Exhibit "C") and correspondence from the Department of Social and Rehabilitation Services (see attached Exhibit "D").

There being no further proponents or opponents, the hearing was opened to questions from the Committee.

Senator Mazurek stated that it was his belief that HB24 did provide for the youth court to approve non-licensed homes being considered for placement. Steve Nilson stated that youth courts were responsible for licensing individual foster homes and the SRS would be responsible for licensing larger childcare facilities.

Representative Keyser closed the hearing by stating that he believes the language of HB24 takes care of any potential problems and does not change the Youth Court Act. He stated that there has been substantial thought and communication between agencies in proposing this bill.

CONSIDERATION OF HOUSE BILL 812: Representative Shontz testified that HB812 is proposed because most property now is being sold

under a contract for deed. The purchaser now is not required to be notified of certain things which affect the property. Under HB812, holders of any purchasing interest in the property would be notified of all legal actions taken on the property.

PROPOSERS: Mr. Greg Groepper of the Montana Department of Revenue, submitted written testimony (see attached Exhibit "E") and stated that when a notice is served on the Clerk and Recorder, a Realty Transfer Certificate should also be completed to notify the Assessor's Office.

There being no further proponents, no opponents and no questions from the Committee, the hearing was closed.

ACTION ON HOUSE BILL 467: Senator Galt moved that HB467 BE CONCURRED IN. This motion carried unanimously.

ACTION ON HOUSE BILL 628: Senator Turnage moved that HB618 BE CONCURRED IN. This motion carried unanimously.

ACTION ON HOUSE BILL 678: Senator Turnage moved that HB678 BE CONCURRED IN. This motion carried unanimously.

ACTION ON HOUSE BILL 438: Senator Turnage moved that HB438 BE TABLED. This motion carried with Senator Halligan voting in opposition.

ACTION ON HOUSE BILL 705: Senator Turnage moved that Steve Brown's proposed amendments BE ADOPTED. This motion carried unanimously. Senator Turnage then made a motion that HB705 BE CONCURRED IN AS AMENDED. This motion carried unanimously.

ACTION ON HOUSE BILL 215: Senator Mazurek made a motion that HB215 BE CONCURRED IN. This motion carried unanimously.

ACTION ON HOUSE BILL 855: Senator Mazurek moved that the amendments proposed by David L. Johnson BE ADOPTED. This motion carried unanimously. Senator Mazurek moved that HB855 BE CONCURRED IN AS AMENDED. This motion carried unanimously.

ACTION ON HOUSE BILL 257: Senator Mazurek moved that HB 257 and the Statement of Intent BE CONCURRED IN. This motion carried unanimously.

ACTION ON HOUSE BILL 331: Senator Galt moved that the first set of amendments to HB331 (see attached Exhibit F) BE ADOPTED. This motion carried unanimously. Senator Turnage moved that HB331 BE CONCURRED IN AS AMENDED. This motion carried unanimously.

JUDICIARY COMMITTEE

Date 031983

[illegible]

(This sheet to be used by those testifying on a

Exhibit "E"
March 19, 1983
HB812

NAME:

Gregg Thompson

DATE:

5/19/83

ADDRESS:

PHONE:

449-2808

REPRESENTING WHOM?

Dept of Revenue

APPEARING ON WHICH PROPOSAL:

HB 812

DO YOU: SUPPORT?

AMEND?

OPPOSE?

COMMENT:

provides for completion of Realty Transfer
Certificate I.A.W. existing statute

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

MINUTES OF MEETING
SENATE JUDICIARY COMMITTEE
March 21, 1983

The forty-eighth meeting of the Senate Judiciary Committee was called to order by Chairman Jean A. Turnage on March 21, 1983, at 10:04 a.m., in Room 325, State Capitol.

ROLL CALL: All members were present.

CONSIDERATION OF HOUSE BILL 588: Representative Swift, sponsor of the bill, stated that the reason for HB588 is to clarify the effect of an abandonment of a county road located in a subdivision or elsewhere. Representative Swift testified that Ravalli County is one of the fastest growing areas in Montana, and in the last three years, there have been three or four cases which had to go to trial over this issue. He testified that in cases where the roads were located in subdivisions, the judge decided that County Commissioners could not dedicate these roads to be used in a public roadway system. Representative Swift stated that the question proposed in HB588 is should the County Commissioners keep the roadway as it was originally intended. Representative Swift feels that the reason this question has arisen is because the statutes are not clear. HB588 is intended to give the statutes more clarity and give the County Commissioners clear authority over the 800 miles of road in question.

There being no further proponents and no opponents, the hearing was opened to questions from the Committee.

Senator Turnage raised the question what would happen if in the future these subdivisions in question were annexed into the city. Representative Swift replied that the law would still apply, but the bill could be amended to reflect this situation in case it ever arose.

There being no further questions from the Committee, the hearing was closed.

CONSIDERATION OF HOUSE BILL 811: Representative Yardley, sponsor of the bill, testified that he is sponsoring this bill at the request of a number of attorneys. HB811 requires conservators of estates to file an annual accounting with the court. Representative Yardley reviewed the contents of the bill with the Committee and stated that this bill does not always require the accounting. In cases such as where there are insufficient funds, the court has the option of waiving the annual accounting. Representative Yardley explained that the annual report is filed to protect the ward.

PROPONENTS: Mr. Douglas B. Olson, representing the Montana Senior's Advocacy Assistance, submitted written testimony (see attached Exhibit "A") in support of HB855. Mr. Olson testified that one of his responsibilities is to provide technical assistance to socially dependent senior citizens. Mr. Olson stated that prior to the adoption of the Uniform Probate Code, these annual reports

Senate Judiciary Committee
March 21, 1983
Page 5

HB677 is not a slot machine bill. Senator Turnage disagreed and stated that it is discouraging to see a slot machine bill come into the Legislature under false colors. Senator Turnage felt this is a great injustice to people like the senior citizens who really enjoy playing Bingo.

Representative Nilson closed the hearing by stating that HB677 is not a slot machine bill and would not expand gambling in Montana. He stated that Initiative 92 was a broad initiative and was voted on in its entirety. Representative Nilson stated that this initiative did not include cash prizes for bingo.

There being no further questions from the Committee, the hearing was closed.

ACTION ON HOUSE BILL 588: Senator Crippen moved that HB588 BE NOT CONCURRED IN. Senator Shaw then made a substitute motion that HB588 BE TABLED. This motion was carried unanimously.

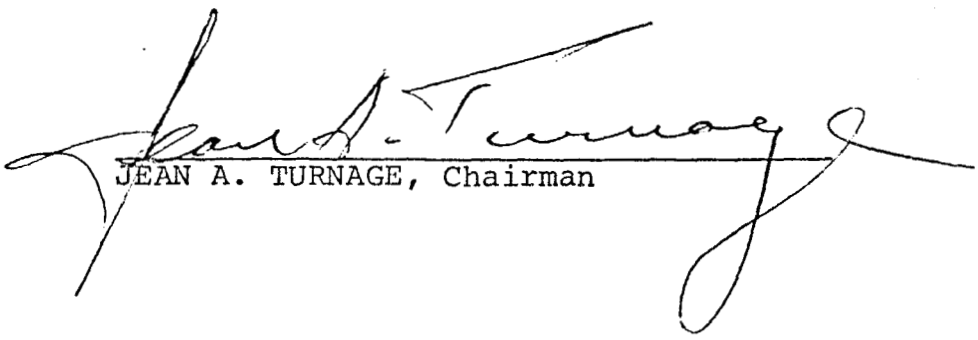
ACTION ON HOUSE BILL 811: Senator Daniels moved that HB811 BE CONCURRED IN. This motion carried unanimously.

ACTION ON HOUSE BILL 789: Senator Crippen moved that HB789 BE CONCURRED IN. This motion carried unanimously.

ACTION ON HOUSE BILL 731: Senator Halligan moved that HB731 BE CONCURRED IN. This motion carried unanimously.

ACTION ON HOUSE BILL 812: Senator Mazurek moved that the amendments to HB812 BE ADOPTED. This motion carried unanimously. Senator Mazurek then moved that HB812 BE CONCURRED IN AS AMENDED. This motion carried unanimously.

There being no further business to come before the Committee, the meeting was adjourned.


JEAN A. TURNAGE, Chairman

JUDICIARY COMMITTEE

Date Mar. 21, 1983

[illegible]

STANDING COMMITTEE REPORT

March 21, 1983

MR. President

We, your committee on Senate Judiciary

having had under consideration House Bill No. 812
Shontz (Mazurek),

Respectfully report as follows: That House Bill No. 812
be amended as follows:

1. Title, line 7.

Following: "DEED"

Insert: "AND ANY ASSIGNEE OR SUCCESSOR OF SUCH A PURCHASER"

2. Page 1, line 18.

Following: "means"

Insert: "(a)"

3. Page 1, line 20.

Strike: "(A)"

Insert: "(I)"

4. Page 1, line 25.

Strike: "(B)"

Insert: "(ii)"

DO PASS

Re: 812

March 21, 1983

March 21, 1983

5. Page 2.

Following: line 1

Insert: "(b) any assignee or successor of a person included under subsection (a), if such assignee or successor has also recorded the contract or an abstract of the contract in accordance with Title 70, chapter 21."

And, as so amended,
BE CONCURRED IN

He

HOUSE BILL NO. 812

INTRODUCED BY SHONTZ, YARDLEY

A BILL FOR AN ACT ENTITLED: "AN ACT TO PROVIDE THAT WHEN IT IS REQUIRED THAT LEGAL NOTICE BE GIVEN TO THE OWNER OF REAL PROPERTY NOTICE MUST ALSO BE GIVEN TO A PURCHASER OF THE PROPERTY UNDER A CONTRACT FOR DEED ~~AND ANY ASSIGNEE OR SUCCESSOR OF SUCH A PURCHASER~~; AMENDING SECTIONS 7-2-4312, 7-3-1309, 7-3-4431, 7-3-4448, 7-13-2304, 7-14-4109, 7-15-4215, 7-22-2406, 7-22-2446, 15-7-102, 15-7-208, 15-15-101, 15-18-202, 15-23-102, 50-62-103, 69-4-317, 69-4-325, 69-4-353, 70-30-203, 76-3-605, 80-7-114, 80-7-206, 82-2-224, 82-4-222, 82-4-239, 82-10-503, ~~85-2-232, 85-2-307,~~ AND 85-15-202, MCA."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

~~NEW SECTION.~~ Section 1. Notice to purchaser of property under contract for deed. (1) As used in this section, "purchaser under contract for deed" means:

(A) any person who:

~~has entered into a contract with the record owner of real property in which it was agreed that the record owner will deliver the deed to the property to the purchaser when certain conditions have been met, such as completion of payments by the purchaser; AND~~

~~(B) HAS RECORDED THE CONTRACT OR AN ABSTRACT OF THE CONTRACT IN ACCORDANCE WITH TITLE 70, CHAPTER 21;~~

~~(B) ANY ASSIGNEE OR SUCCESSOR OF A PERSON INCLUDED UNDER SUBSECTION (A), IF SUCH ASSIGNEE OR SUCCESSOR HAS ALSO RECORDED THE CONTRACT OR AN ABSTRACT OF THE CONTRACT IN ACCORDANCE WITH TITLE 70, CHAPTER 21.~~

(2) When it is required by statute that legal notice be given to the owner of real property, the same notice must be given to a purchaser of that property under a contract for deed.

Section 2. Section 7-2-4312, MCA, is amended to read:

"7-2-4312. Resolution of intent by first-class city -- notice. When, in the judgment of any city council of a city of the first class expressed by a resolution duly and regularly passed and adopted, it will be to the best interest of such city and the inhabitants of any contiguous platted tracts or parcels of land or unplatted land for which a certificate of survey has been filed that the boundaries of such city shall be extended so as to include the same within the corporate limits thereof, the city clerk of such city shall:

(1) immediately notify in writing, addressed to the address to which tax notices are sent, all owners and purchasers under contracts for deed of property in the territory to be embraced; and

1 (2) cause a notice to be published in the newspaper
2 published nearest such platted tracts or parcels of land or
3 unplatted land for which a certificate of survey has been
4 filed, at least once a week for 2 successive weeks."

5 Section 3. Section 7-3-1309, MCA, is amended to read:

6 "7-3-1309. Division of assessment. (1) There shall be
7 in the department of finance a division of assessment, the
8 head of which shall be the assessor. The assessor and his
9 deputies shall have the powers, qualify in the manner, and
10 perform the duties prescribed for county assessors and
11 deputy assessors by general law.

12 (2) The assessor shall also be in charge of the
13 preparation of all special assessments for public
14 improvements, the giving of notice of such assessments to
15 property owners and purchasers of property under contracts
16 for deed, and the certification of all unpaid assessments to
17 the director of finance."

18 Section 4. Section 7-3-4431, MCA, is amended to read:

19 "7-3-4431. Department of finance. (1) The duties of
20 the director of finance shall include the keeping and
21 supervision of all accounts and the custody of all public
22 money of the municipality; the purchase, storage, and
23 distribution of supplies needed by the various departments;
24 the making and collection of special assessments; the
25 issuance of licenses; the collection of license fees and

1 taxes; and such other duties as the commission may by
2 ordinance require.

3 (2) He shall install and have supervision over the
4 accounts of all the departments and offices of the
5 municipality. Whenever practicable the books of financial
6 accounts shall be kept in the office of the department of
7 finance. He shall require daily departmental reports of
8 money receipts and the disposition thereof and shall require
9 of each, in such form as may be prescribed, current
10 financial and operating statements exhibiting each
11 transaction and the cost thereof. Upon the death,
12 resignation, removal or expiration of the term of any
13 officer, he shall examine the accounts of such officer and
14 report his findings to the city manager.

15 (3) He shall have charge of the preparation and
16 certification of all special assessments for public
17 improvements, the mailing of notices of such assessments to
18 property owners and purchasers of property under contracts
19 for deed and all other duties connected therewith, the
20 collection of such assessments as are payable directly to
21 the municipality, and the preparation and certification of
22 all unpaid assessments to the county treasurer for
23 collection. He shall issue all licenses and collect all fees
24 therefor and shall pay the same into the treasury in the
25 manner provided by ordinance.

1 (4) The director of finance shall be the custodian of
 2 all public money of the municipality and all other public
 3 money coming into his hands. He shall keep and preserve such
 4 money in the place or places determined by ordinance or by
 5 the provisions of any law applicable thereto. Except as
 6 otherwise provided in this part or part 43, he shall
 7 collect, receive, and disburse all public money of the
 8 municipality upon warrant and shall also receive and
 9 disburse all other public money coming into his hands in
 10 pursuance of such regulations as may be prescribed by the
 11 authorities having lawful control over such funds."

12 Section 5. Section 7-3-4448, MCA, is amended to read:

13 "7-3-4448. Vacating or changing name of street. (1)
 14 The commission, in vacating any street or part of a street
 15 or changing the name of any street, may include in one
 16 ordinance the change of name or the vacation or narrowing of
 17 more than one street, alley, or avenue. Before vacating any
 18 street or part thereof or narrowing any street, the
 19 commission shall first pass a resolution declaring its
 20 intention to do so.

21 (2) The city manager shall serve notice of the
 22 resolution, in the manner that service of summons is
 23 required to be made in civil actions, upon all persons whose
 24 ~~who are owners or purchasers under contracts for deed of~~
 25 property ~~that~~ abuts upon the portion of the street affected

1 by the proposed vacation or narrowing and shall publish
 2 notice once in one daily newspaper of general circulation in
 3 the municipality if there is one or if not, once in one
 4 weekly newspaper of like circulation. The notice shall
 5 state the time and place at which objections will be heard.

6 (3) Unless at least 51% of the affected property
 7 owners object to the proposed vacation or narrowing, the
 8 commission may by ordinance declare such vacation or
 9 narrowing. The order of the commission vacating or narrowing
 10 a street or alley which has been dedicated to public use by
 11 the proprietor, to the extent that it is vacated or
 12 narrowed, operates as a revocation of the acceptance thereof
 13 by the commission, but the right-of-way and easement therein
 14 of any lot owner is not impaired thereby."

15 Section 6. Section 7-13-2304, MCA, is amended to read:

16 "7-13-2304. Notice of intention to levy tax. (1) When
 17 the written estimate of the amount of money required has
 18 been delivered to the board of county commissioners, said
 19 board shall give notice of its intention to levy and collect
 20 a tax sufficient for the payment thereof.

21 (2) Such notice shall be given:

22 (a) by posting notice thereof in five public places
 23 within the county and within the boundaries of the lands
 24 upon which the tax is to be levied;

25 (b) by publishing a copy of the notice once each week

1 for 2 consecutive weeks in a newspaper published in each
2 county wherein the district is located; and

3 (c) by forwarding, by regular first-class mail or
4 registered or certified mail at least 10 days prior to the
5 hearing provided for in 7-13-2306(4), a copy of the notice
6 addressed to the owners and the purchasers under contracts
7 for deed of taxable real property within the district as
8 shown by the current assessment book on file in the office
9 of the assessor of the county or counties the boundaries of
10 which include taxable real property of the district."

11 Section 7. Section 7-14-4109, MCA, is amended to read:

12 "7-14-4109. Power to order certain improvements
13 without creation of special improvement district. (1)
14 Without the formation of a special improvement district, the
15 city council may order sidewalks, curbs, or gutters
16 constructed in front of any lot or parcel of land and may
17 order alley approaches constructed or replaced adjacent to
18 any lot or parcel of land.

19 (2) Whenever the council orders any such sidewalk,
20 curb, or gutter constructed or any such alley approach
21 constructed or replaced, the order shall be entered upon the
22 minutes of the council and shall name the street along which
23 the sidewalk, curb, or gutter is to be constructed or along
24 which the alley approach is to be constructed or replaced.

25 (3) After the making of such order, written notice

1 thereof shall be given to the owner or agent of the owner
2 and to any purchaser under contract for deed of such
3 property or the owners or agents of all adjacent owners
4 having access to their properties by the alley approach, as
5 appropriate, in such manner as the council may direct.

6 (4) If the owner or agent of the owner of such lot or
7 parcel of land or if the owners or agents of all adjacent
8 owners having access to their property by the alley approach
9 fail or neglect for a period of 30 days after the date of
10 service of the notice to cause such sidewalk, curb, or
11 gutter to be constructed or to cause such alley approaches
12 to be constructed or replaced, the city may construct or
13 cause the sidewalk, curb, or gutter to be constructed or may
14 construct or cause the alley approach to be constructed and
15 shall assess the cost thereof, including engineering costs
16 and the costs enumerated in 7-12-4121 and 7-12-4169, against
17 the property in front of which the same is constructed or
18 against the lots or parcels of land having access via the
19 constructed alley approaches. The collection of the assessed
20 costs shall be as provided in 7-12-4181 through 7-12-4191.

21 (5) (a) When any sidewalk, curb, or gutter or alley
22 approach is constructed by or under direction of the city
23 council, payment for the construction shall be made by
24 special warrants in such form as may be prescribed by
25 ordinance and drawn against a fund to be known as the

special sidewalk, curb, and gutter fund or the special alley approach fund, as appropriate, and the council may provide for the payment of interest annually.

(b) The warrants drawn on the special alley approach fund shall bear interest at a rate of up to 6% a year."

Section 8. Section 7-15-4215, MCA, is amended to read:

"7-15-4215. Notice of hearing on urban renewal plan.

(1) The notice required by 7-15-4214(1) shall be given by publication once each week for 2 consecutive weeks, not less than 10 or more than 30 days prior to the date of the hearing, in a newspaper having a general circulation in the urban renewal area of the municipality and by mailing a notice of such hearing, not less than 10 days prior to the date of the hearing, to the persons whose names appear on the county treasurer's tax roll as the owners or reputed owners, or purchasers under contracts for deed of the property, at the address shown on the tax roll.

(2) The notice shall describe the time, date, place, and purpose of the hearing, shall generally identify the urban renewal area affected, and shall outline the general scope of the urban renewal plan under consideration."

Section 9. Section 7-22-2406, MCA, is amended to read:

"7-22-2406. Notice of hearing on petition to create district. (1) If addresses are known, the commissioners shall cause notice of the hearing provided for in 7-22-2403

to be mailed to each nonresident owner and purchaser under contract for deed of taxable real and personal property within the proposed district.

(2) The commissioners shall cause notice to be posted in three public places within the district. Whenever the district is partly in one county and partly in another county, notice must be posted in each county but posting need not be in three places in each county.

(3) The commissioners shall also cause notice to be given of the time and place of the hearing and the methods of objection by publication in a newspaper within or nearest to the district and, if the district is partly in one county and partly in another county, in a newspaper in each county, if such newspaper exists. The publication must be for two weekly issues.

(4) Posting and first publication shall be at least 10 days before the hearing."

Section 10. Section 7-22-2446, MCA, is amended to read:

"7-22-2446. Hearing on petition for dissolution -- notice. Upon the filing of a petition for dissolution, the board of county commissioners shall set a time for hearing the petition and shall cause notice thereof to be mailed to all nonresident property owners and purchasers under contracts for deed within the district whose addresses are

known, to be posted in at least three public places within the district, and to be published at least once in the official newspaper of the county published in the district, the posting and publication to be at least 10 days before the date of hearing. Whenever the district is partly in one county and partly in another county, notice must be posted in each county, but posting need not be in three places in each county, and notice must be published in the official newspaper of each county."

Section 11. Section 15-7-102, MCA, is amended to read:

"15-7-102. Notice of classification and appraisal to owners -- appeals. (1) It shall be the duty of the department of revenue to cause to be mailed to each owner ~~and purchaser under contract for deed~~ a notice of the classification of the land owned ~~or being purchased~~ by him and the appraisal of the improvements thereon.

(2) If the owner of any land and improvements is dissatisfied with the appraisal or classification of his land or improvements, he may submit his objection in writing to the department's agent. The department shall give reasonable notice to such taxpayer of the time and place of hearing and hear any testimony or other evidence which the taxpayer may desire to produce at such time and afford the opportunity to other interested persons to produce evidence at such hearing. Thereafter, the department shall determine

the true and correct appraisal and classification of such land or improvements and forthwith notify the taxpayer of its determination. In the notification, the department must state its reasons for revising the classification or appraisal. When so determined, the land shall be classified and improvements appraised in the manner ordered by the department.

(3) Whether a hearing as provided in subsection (2) is held or not, the department or its agent may not adjust an appraisal or classification upon taxpayer's objection unless:

(a) the taxpayer has submitted his objection in writing; and

(b) the department or its agent has stated its reason in writing for making the adjustment.

(4) A taxpayer's written objection to a classification or appraisal and the department's notification to the taxpayer of its determination and the reason for that determination are public records. Each county appraiser shall make such records available for inspection during regular office hours.

(5) If any property owner shall feel aggrieved at the classification and/or the appraisal so made by the department, he shall have the right to appeal to the county tax appeal board and then to the state tax appeal board,

1 whose findings shall be final subject to the right of review
2 in the proper court or courts."

3 Section 12. Section 15-7-208, MCA, is amended to read:

4 "15-7-208. Reclassification by department. The
5 department of revenue or its agent may reclassify land as
6 nonagricultural upon giving due notice to the property owner
7 ~~or any purchaser under contract for deed~~ under the
8 provisions of 15-7-102. Upon notice of a change in
9 classification of land from agricultural to another use, the
10 property owner may petition the department to reclassify the
11 land as agricultural by completing a form prescribed by the
12 department and by producing whatever information is
13 necessary to prove that the subject land meets the
14 definition of agricultural land embodied in 15-7-202."

15 Section 13. Section 15-15-101, MCA, is amended to
16 read:

17 "15-15-101. County tax appeal board -- meetings and
18 compensation. (1) The board of county commissioners of each
19 county shall appoint a three-member county tax appeal board,
20 with the members to serve staggered terms of 3 years each.
21 The members of each county tax appeal board shall be
22 residents of the county in which they serve. They shall
23 receive compensation of \$25 a day and travel expenses as
24 provided for in 2-18-501 through 2-18-503, as amended, only
25 when the county tax appeal board is in session to hear

1 taxpayers' appeals from property tax assessments or when
2 they are attending meetings called by the state tax appeal
3 board. Travel expenses and compensation shall be paid from
4 the appropriation to the state tax appeal board. Office
5 space and equipment for the county tax appeal boards shall
6 be furnished by the county. All other incidental expenses
7 shall be paid from the appropriation of the state tax appeal
8 board.

9 (2) The county tax appeal board must meet on the third
10 Monday of April in each year to hear protests concerning
11 assessments made by the department of revenue. It must
12 continue in session for that purpose from time to time until
13 the business of hearing protests is disposed of, but, except
14 as provided in 15-2-201, not later than 60 days after the
15 department of revenue or its agent:

16 (a) has mailed notice of classification and appraisal
17 to all property owners ~~and purchasers under contracts for~~
18 ~~deed~~ as required in 15-7-102; and

19 (b) has notified the county tax appeal board that
20 classification and appraisal notices have been mailed to all
21 property owners ~~and purchasers under contracts for deed~~.

22 (3) In connection with any such appeal, the county tax
23 appeal board may change any assessment or fix the assessment
24 at some other level. The county clerk shall publish a notice
25 to taxpayers, giving the time the county tax appeal board

1 will meet to hear protests concerning assessments and the
 2 latest date the county tax appeal board may take
 3 applications for such hearings. The notice shall be
 4 published in a newspaper if any is printed in the county or,
 5 if none, then in such manner as the board may direct. The
 6 notice shall be published at least 7 days prior to the first
 7 meeting of the county tax appeal board.

8 (4) Challenges to a department of revenue rule
 9 governing the assessment of property or to an assessment
 10 procedure shall apply only to the taxpayer bringing the
 11 challenge and may not apply to all similarly situated
 12 taxpayers unless an action is brought in the district court
 13 as provided in 15-2-307 through 15-2-310."

14 Section 14. Section 15-18-202, MCA, is amended to
 15 read:

16 "15-18-202. Notice of application for tax deed. (1)
 17 The purchaser of property sold for delinquent taxes or his
 18 assignee must, at least 60 days previous to the expiration
 19 of the time for redemption or at least 60 days before he
 20 applies for a deed, serve upon the owner of the property
 21 purchased, if known, ~~any purchaser of the property under~~
 22 ~~contract for deed, if known,~~ and upon the person occupying
 23 the property, if the said property is occupied, and if the
 24 records in the office of the county clerk and recorder show
 25 an unreleased mortgage or mortgages upon the property

1 purchased, upon the mortgagee or mortgagees named in said
 2 mortgage or mortgages or, if assigned, upon the assignee or
 3 assignees of said mortgage or mortgages, a written notice
 4 stating that said property or a portion thereof has been
 5 sold for delinquent taxes, giving the date of sale, the
 6 amount of property sold, the amount for which it was sold,
 7 the amount due, and the time when the right of redemption
 8 will expire or when the purchaser will apply for a tax deed.
 9 The owner of the property or the mortgagee or the assignee
 10 of said mortgagee has the right of redemption indefinitely,
 11 until such notice has been given and the deed applied for,
 12 upon the payment of fees, percentages, penalties, and costs
 13 required by law.

14 (2) Notice of ~~to~~ any owner, ~~purchaser of property~~
 15 ~~under contract for deed,~~ mortgagee, or assignee of mortgagee
 16 shall be given by registered or certified letter addressed
 17 to such ~~owner, purchaser,~~ mortgagee, or assignee at the
 18 post-office address of said owner, ~~purchaser,~~ mortgagee, or
 19 assignee as disclosed by the mortgage records in the office
 20 of the county clerk and recorder. In case of unoccupied
 21 property or a mining claim, such notice must be by
 22 registered or certified mail deposited in the post office,
 23 addressed to any known owner residing in or outside of said
 24 county, with the postage thereon prepaid, at least 60 days
 25 before the expiration of the time for redemption or at least

60 days before the purchaser applies for such tax deed, in addition to notice to the mortgagee or assignee of mortgagee in the manner and as hereby is provided.

(3) In all cases where the post-office address of the owner, ~~purchaser~~, mortgagee, or assignee is unknown, the applicant shall publish once a week for 2 successive weeks in a newspaper published in the county where the property is situated a notice substantially in the following form:

Notice of Application for Tax Deed

Notice is hereby given that the undersigned will on the day of, 19..., apply to the county treasurer of county for a tax deed to the following described property, to wit:

(Describe property)

Amount due \$.....

Date

.....(Applicant)

(4) The first publication of such notice must be made at least 60 days before the date of redemption or application for said deed.

(5) In all cases due proof of service of notice in whatever manner given, supported by the affidavit required by law, must be filed immediately with the clerk and recorder of the county in which the property is situated and be kept as a permanent file in his office, and such proof of

notice when so filed shall be prima facie evidence of the sufficiency of the notice."

Section 15. Section 15-23-102, MCA, is amended to read:

"15-23-102. Notice of assessment -- opportunity for conference -- appeal. After assessing property under 15-23-101, the department shall notify the owner ~~and any purchaser under contract for deed~~ of such property, in writing, of the assessed value it has determined. Within 20 days following notification, the taxpayer may demand a review of the validity of the department's assessment. The department shall conduct an assessment review conference, which is not subject to the contested case procedures of the Montana Administrative Procedure Act. However, a party has the right of discovery prior to any assessment revision review conference. Upon consideration following such conference, the department may revise the assessment. Appeals from the final decision may be taken to the state tax appeal board."

Section 16. Section 50-62-103, MCA, is amended to read:

"50-62-103. Service of order to repair or demolish structure. (1) If the state fire marshal, a deputy state fire marshal, or any officer mentioned in 50-62-101, upon an examination or inspection, finds that a building or other

structure which for want of proper repair or by reason of age and dilapidated condition, defective or poorly installed electric wiring or equipment, defective chimneys, defective gas connections or defective heating apparatus or for any other cause or reason is especially liable to fire and is so situated as to endanger other buildings or property in the vicinity, he shall order the structure to be repaired, torn down, or demolished and all materials removed and all dangerous conditions remedied.

(2) The order shall be in writing, shall recite the grounds therefor, and shall be filed in the office of the clerk of the district court of the county in which the building or structure ordered to be altered, repaired, or demolished is situated, and thereupon all further proceedings for the enforcement thereof shall be had in that court.

(3) A copy of the order filed as aforesaid, together with a written notice that it has been filed and will be put in force unless the owner, occupant, or tenant shall file with the clerk of the court his objections or answer thereto within the time specified in 50-62-104, shall be served upon the owner and any purchaser under contract for deed of the building or structure directed to be altered, repaired, or demolished. If there is a tenant occupying the building, service shall also be made upon him. Service shall be made

upon the owner and occupant, if there is one, personally either within or without the state.

(4) If the whereabouts of the owner or any purchaser under contract for deed is unknown and he cannot be ascertained by the state fire marshal by the exercise of reasonable diligence, then upon his filing in the office of the clerk of the district court his affidavit to this effect, service of the notice upon the owner or any purchaser under contract for deed may be made by the clerk of the district court by publication of it once in each week for 3 successive weeks in a newspaper printed and published in the county in which the building or structure is located and by posting a copy thereof in a conspicuous place upon the building or structure, and the service so made is complete upon the expiration of the publication period. Proof of service of the notice shall be filed in the office of the clerk of the district court within 5 days after the service thereof."

Section 17. Section 69-4-317, MCA, is amended to read:

"69-4-317. Publication and distribution of notice. (1) Notice shall be published in full five times in a daily newspaper or once in a weekly newspaper of general circulation in the county, city, or town in which said district is located. A copy of such notice shall be mailed by the governing body to each owner and purchaser under

1 ~~contract_for_deed~~ of land within the proposed district whose
 2 property will be assessed for the cost of the improvement.
 3 The address to be used for said purpose shall be that last
 4 appearing on the real property assessment rolls of the
 5 county wherein said property is located.

6 (2) Mailed notices and the published notice shall
 7 state where a copy of the resolution will be available for
 8 inspection by any interested parties."

9 Section 18. Section 69-4-325, MCA, is amended to read:

10 "69-4-325. Notice of hearing on proposed assessments.

11 (1) After the preparation of the ordinance provided for in
 12 69-4-324, notice of a public hearing on the proposed
 13 assessments shall be given.

14 (2) Such notice shall be published one time in a
 15 newspaper in which the first notice of hearing was published
 16 at least 20 days before the date fixed for the hearing and
 17 shall be mailed by the governing body not less than 15 days
 18 prior to the date fixed for such hearing to each owner and
 19 ~~purchiser_under_contract_for_deed~~ of real property whose
 20 property will be assessed for part of the cost of the
 21 improvement at the addresses appearing on the last completed
 22 real property assessment rolls of the county wherein said
 23 affected property is located.

24 (3) (a) Each notice shall state that at the specified
 25 time and place, the governing body will hold a public

1 hearing upon the proposed assessments and shall state that
 2 any owner of any property to be assessed pursuant to the
 3 ordinance will be heard on the question of whether his
 4 property will be benefited by the proposed improvement to
 5 the amount of the proposed assessment against his property
 6 and whether the amount assessed against his property
 7 constitutes more than his proper proportional share of the
 8 total cost of the improvement.

9 (b) The notice shall further state where a copy of the
 10 ordinance proposed to be adopted levying the assessments
 11 against all real property in the district will be on file
 12 for public inspection and that, subject to such changes and
 13 corrections therein as may be made by the governing body, it
 14 is proposed to adopt the ordinance at the conclusion of the
 15 hearing.

16 (c) The published notice shall describe the boundaries
 17 or area of the district with sufficient particularity to
 18 permit each owner of real property therein to ascertain that
 19 his property lies in the district. The mailed notice may
 20 refer to the district by name and date of creation and shall
 21 state the amount of the assessment proposed to be levied
 22 against the real property of the person to whom the notice
 23 is mailed and the terms of installment financing, if any. In
 24 the absence of fraud, the failure to mail any notice does
 25 not invalidate any assessment or any proceeding under this

1 part."

2 Section 19. Section 69-4-353, MCA, is amended to read:

3 "69-4-353. Conversion of facilities on public property
4 -- notice to landowners. (1) Upon completion of the
5 conversion of the overhead electric or communication
6 facilities on public lands and right-of-way to underground,
7 the public utility shall file a verified statement of the
8 costs of such conversion with the governing body.

9 (2) The governing body shall mail to each landowner
10 ~~and purchaser of property under contract for deed~~ a notice
11 stating that:

12 (a) service from the underground facilities is
13 available;

14 (b) the landowner has 60 days after the date of the
15 mailing of such notice to convert all overhead electric or
16 communication facilities providing service to any structure
17 or improvement located on his lot or parcel to underground
18 service facilities; and

19 (c) after the 60-day period following the date of the
20 mailing of the notice, the governing body will order the
21 public utility to disconnect and remove all overhead
22 electric and communication facilities providing service to
23 any structure or improvement within the area."

24 Section 20. Section 70-30-203, MCA, is amended to
25 read:

1 "70-30-203. Contents of complaint. The complaint must
2 contain:

3 (1) the name of the corporation, association,
4 commission, or person in charge of the public use for which
5 the property is sought, who must be styled plaintiff;

6 (2) the names of all owners, ~~purchasers under~~
7 ~~contracts for deeds~~, mortgagees, and lienholders of record
8 and any other claimants of the property of record, if known,
9 or a statement that they are unknown, who must be styled
10 defendants;

11 (3) a statement of the right of plaintiff;

12 (4) if a right-of-way is sought, the complaint must
13 show the location, general route, and termini and must be
14 accompanied with a map thereof, so far as the same is
15 involved in the action or proceeding;

16 (5) a description of each piece of land sought to be
17 taken and whether the same includes the whole or only a part
18 of the entire parcel or tract. All parcels lying in the
19 county and required for the same public use may be included
20 in the same or separate proceedings, at the option of the
21 plaintiff, but the court may consolidate or separate them to
22 suit the convenience of the parties. When application for
23 the condemnation of a right-of-way for the purposes of
24 sewerage is made on behalf of a settlement or a town or a
25 county, the county commissioners of the county may be named

as plaintiff.

(5) if a sand, stratum, or formation suitable for use as an underground natural gas storage reservoir is sought to be appropriated, a description thereof and of the land in which it is alleged to be contained and a description of all other property and rights sought to be appropriated for use in connection with the appropriation of the right to store natural gas in and withdraw natural gas from such reservoir. In addition, the complaint shall state facts showing that the underground reservoir is one subject to appropriation by plaintiff; also stating that the underground storage of natural gas in the land sought to be appropriated is in the public interest; that the underground reservoir is suitable and practicable for natural gas storage; that the plaintiff in good faith has been unable to acquire the rights sought to be appropriated hereunder and a statement that the rights and property sought to be appropriated are not prohibited by law; and in addition, the complaint must be accompanied by a certificate from the board of oil and gas conservation as set forth in 82-10-304."

Section 21. Section 76-3-605, MCA, is amended to read:

"76-3-605. Hearing on preliminary plat. (1) The governing body or its authorized agent or agency shall hold a public hearing on the preliminary plat and shall consider all relevant evidence relating to the public health, safety,

and welfare, including the environmental assessment, to determine whether the plat should be approved, conditionally approved, or disapproved by the governing body.

(2) When a proposed subdivision is also proposed to be annexed to a municipality, the governing body of the municipality shall hold joint hearings on the preliminary plat and annexation whenever possible.

(3) Notice of such hearing shall be given by publication in a newspaper of general circulation in the county not less than 15 days prior to the date of the hearing. The subdivider, and each property owner of record, ~~and each purchaser under contract for deed of property~~ immediately adjoining the land included in the plat shall also be notified of the hearing by registered or certified mail not less than 15 days prior to the date of the hearing.

(4) When a hearing is held by an agent or agency designated by the governing body, the agent or agency shall act in an advisory capacity and recommend to the governing body the approval, conditional approval, or disapproval of the plat. This recommendation must be submitted to the governing body in writing not later than 10 days after the public hearing."

Section 22. Section 80-7-114, MCA, is amended to read:

"80-7-114. Removal of infected trees -- assessment of costs. (1) If a person owning any orchard or nursery stock

1 infected or infested with any injurious insect pest or
 2 disease and which becomes a menace to the agricultural or
 3 fruit industry or a menace to ornamental trees, shrubs,
 4 plants, or vines fails to comply with the instructions of
 5 the department for the destruction or control of the
 6 injurious insect pest or disease or the destruction of the
 7 infested or infected orchard or nursery stock within the
 8 time specified by the department, the department may
 9 condemn, remove, or destroy the orchard or nursery stock or
 10 treat it with a proper remedy.

11 (2) If an owner fails to pay the cost of the removal,
 12 treatment, or destruction within 30 days after notice has
 13 been mailed to the owner at his last known post-office
 14 address ~~and to any purchaser of the property under contract~~
 15 ~~for deed at his last known post-office address~~, the cost
 16 shall become a lien on the land of the owner and shall be
 17 added by the county treasurer to the taxes upon the property
 18 and collected as other taxes."

19 Section 23. Section 80-7-206, MCA, is amended to read:
 20 "80-7-206. Expenses of eradicating orchard diseases --
 21 collection as tax. (1) When, under the direction or rules of
 22 the department, any money is spent by it to eradicate any
 23 disease or insect pest from an orchard or other place where
 24 fruits are grown or kept, the department shall notify the
 25 owner of the orchard or premises ~~and any purchaser of the~~

1 ~~property under contract for deed~~ in writing of the amount
 2 spent plus an additional charge of 25% of the amount spent.
 3 The notice shall be mailed to the last known address of the
 4 owner ~~or purchaser under contract for deed~~.

5 (2) If the owner fails to pay the amount spent by the
 6 department plus the additional charge of 25% within 30 days
 7 of the time the notice is sent, the department shall file a
 8 verified statement with the county treasurer where the money
 9 was spent. The statement shall set forth the amount spent
 10 plus the additional charge of 25%, together with the correct
 11 description of the property on which the money was spent as
 12 it appears on the assessment roll of the county.

13 (3) The county treasurer shall add the amount
 14 contained in the statement to the taxes upon the property
 15 and shall collect them in the manner provided for collection
 16 of state and county taxes.

17 (4) The county treasurer in any county where any money
 18 is collected as provided in subsection (3) shall, on or
 19 before February 1 each year, remit the amount to the state
 20 treasurer, who shall deposit same to the credit of the
 21 general fund of the state."

22 Section 24. Section 82-2-224, MCA, is amended to read:
 23 "82-2-224. Notice of condemnation -- filing of plat.
 24 Any party seeking to condemn property for open-pit mining
 25 purposes shall serve notice in writing on all owner's ~~and~~

1 ~~purchasers under contracts for deed~~ of property within 300
 2 yards of the surface tract sought to be condemned or in lieu
 3 thereof shall file a plat showing the boundaries of the
 4 property sought to be condemned in the office of the county
 5 clerk and recorder, and the filing of said plat shall
 6 constitute notice to the owner or owners not personally
 7 served with written notice as herein provided."

8 Section 25. Section 82-4-222, MCA, is amended to read:

9 "82-4-222. Permit application. (1) An operator
 10 desiring a permit shall file an application which shall
 11 contain a complete and detailed plan for the mining,
 12 reclamation, revegetation, and rehabilitation of the land
 13 and water to be affected by the operation. Such plan shall
 14 reflect thorough advance investigation and study by the
 15 operator and shall include all known or readily discoverable
 16 past and present uses of the land and water to be affected
 17 and the approximate periods of such use and shall state:

18 (a) the location and area of land to be affected by
 19 the operation, with a description of access to the area from
 20 the nearest public highways;

21 (b) the names and addresses of the owners of record
 22 ~~and any purchasers under contracts for deed~~ of the surface
 23 of the area of land to be affected by the permit and the
 24 owners of record ~~and any purchasers under contracts for deed~~
 25 of all surface area within one-half mile of any part of the

1 affected area;

2 (c) the names and addresses of the present owners of
 3 record ~~and any purchasers under contracts for deed~~ of all
 4 subsurface minerals in the land to be affected;

5 (d) the source of the applicant's legal right to mine
 6 the mineral on the land affected by the permit;

7 (e) the permanent and temporary post-office addresses
 8 of the applicant;

9 (f) whether the applicant or any person associated
 10 with the applicant holds or has held any other permits under
 11 this part and an identification of those permits;

12 (g) whether the applicant is in compliance with
 13 82-4-251 and, if known, whether every officer, partner,
 14 director, or any individual owning of record or
 15 beneficially, alone or with associates, 10% or more of any
 16 class of stock of the applicant is subject to any of the
 17 provisions of 82-4-251 and he shall so certify and whether
 18 any of the foregoing parties or persons have ever had a
 19 strip-mining or underground-mining license or permit issued
 20 by any other state or federal agency revoked or have ever
 21 forfeited a strip-mining or underground-mining bond or a
 22 security deposited in lieu of a bond and, if so, a detailed
 23 explanation of the facts involved in each case must be
 24 attached;

25 (h) the names and addresses of any persons who are

engaged in strip- or underground-mining activities on behalf of the applicant;

(i) the annual rainfall and the direction and average velocity of the prevailing winds in the area where the applicant has requested a permit;

(j) the results of any test borings or core samplings which the applicant or his agent has conducted on the land to be affected, including the nature and the depth of the various strata or overburden and topsoil, the quantities and location of subsurface water and its quality, the thickness of any mineral seam, an analysis of the chemical properties of such minerals, including the acidity, sulphur content, and trace mineral elements of any coal seam, as well as the British thermal unit (Btu) content of such seam, and an analysis of the overburden, including topsoil. If test borings or core samplings are submitted, each permit application shall contain two copies each of two sets of geologic cross sections accurately depicting the known geologic makeup beneath the surface of the affected land. Each set shall depict subsurface conditions at such intervals as the department requires across the surface and shall run at a 90-degree angle to the other set. The department may not require intervals of less than 500 feet. Each cross section shall depict the thickness and geologic character of all known strata beginning with the topsoil. In

addition, each application for an underground-mining permit shall be accompanied by cross sections and maps showing the proposed underground locations of all shafts, entries, and haulageways or other excavations to be excavated during the permit period. These cross sections shall also include all existing shafts, entries, and haulageways.

(k) the name and date of a daily newspaper of general circulation within the county in which the applicant will prominently publish at least once a week for 4 successive weeks after submission of the application an announcement of his application for a strip-mining or underground-mining permit and a detailed description of the area of land to be affected should a permit be granted;

(l) a determination of the probable hydrologic consequences of coal mining and reclamation operations, both on and off the mine site, with respect to the hydrologic regime, quantity and quality of water in surface- and ground-water systems, including the dissolved and suspended solids under seasonal flow conditions and the collection of sufficient data for the mine site and surrounding areas, so that cumulative impacts of all anticipated mining in the area upon the hydrology of the area and particularly upon water availability can be made. However, this determination is not required until such time as hydrologic information on the general area prior to mining is made available from an

1 appropriate federal or state agency. The permit may not be
2 approved until such information is available and is
3 incorporated into the application.

4 (m) a coal conservation plan; and

5 (n) such other or further information as the
6 department may require.

7 (2) The application for a permit shall be accompanied
8 by two copies of all maps meeting the requirements of the
9 subsections below. The maps shall:

10 (a) identify the area to correspond with the
11 application;

12 (b) show any adjacent deep mining or surface mining
13 and the boundaries of surface properties and names of owners
14 of record of the affected area and within 1,000 feet of any
15 part of the affected area;

16 (c) show the names and locations of all streams,
17 creeks, or other bodies of water, roads, buildings,
18 cemeteries, oil and gas wells, and utility lines on the area
19 of land affected and within 1,000 feet of such area;

20 (d) show by appropriate markings the boundaries of the
21 area of land affected, any cropline of the seam or deposit
22 of mineral to be mined, and the total number of acres
23 involved in the area of land affected;

24 (e) show the date on which the map was prepared and
25 the north point;

1 (f) show the final surface and underground water
2 drainage plan on and away from the area of land affected.
3 This plan shall indicate the directional and volume flow of
4 water, constructed drainways, natural waterways used for
5 drainage, and the streams or tributaries receiving the
6 discharge.

7 (g) show the proposed location of waste or refuse
8 area;

9 (h) show the proposed location of temporary subsoil
10 and topsoil storage area;

11 (i) show the proposed location of all facilities;

12 (j) show the location of test boring holes;

13 (k) show the surface location lines of any geologic
14 cross sections which have been submitted;

15 (l) show a listing of plant varieties encountered in
16 the area to be affected and their relative dominance in the
17 area, together with an enumeration of tree varieties and the
18 approximate number of each variety occurring per acre on the
19 area to be affected, and the locations generally of the
20 various kinds and varieties of plants, including but not
21 limited to grasses, shrubs, legumes, forbs, and trees;

22 (m) be certified as follows: "I, the undersigned,
23 hereby certify that this map is correct and shows to the
24 best of my knowledge and belief all the information required
25 by the mining laws of this state." The certification shall

1 be signed and notarized. The department may reject a map as
2 incomplete if its accuracy is not so attested.

3 (n) contain such other or further information as the
4 department may require.

5 (3) If the department finds that the probable total
6 annual production at all locations of any strip- or
7 underground-coal-mining operation applied for will not
8 exceed 100,000 tons, any determination of probable
9 hydrologic consequences that the department requires and the
10 statement of result of test borings or core samplings shall,
11 upon written request of the operator, be performed by a
12 qualified public or private laboratory designated by the
13 department. The department shall assume the cost of the
14 determination and statement to the extent that it has
15 received funds for this purpose.

16 (4) In addition to the information and maps required
17 above, each application for a permit shall be accompanied by
18 detailed plans or proposals showing the method of operation,
19 the manner, time or distance, and estimated cost for
20 backfilling, subsidence stabilization, water control,
21 grading work, highwall reduction, topsoiling, planting,
22 revegetating, and a reclamation plan for the area affected
23 by the operation, which proposals shall meet the
24 requirements of this part and rules adopted under this part.
25 The reclamation plan shall address the life of the operation

1 and indicate the size, sequence, and the timing of the
2 subareas for which it is anticipated that individual permits
3 will be sought.

4 (5) Each applicant for a coal mining permit shall
5 submit as part of the application a certificate issued by an
6 insurance company authorized to do business in the state
7 certifying that the applicant has in force for the strip- or
8 underground-mining and reclamation operations for which the
9 permit is sought a public liability insurance policy, or
10 evidence that the applicant has satisfied other state or
11 federal self-insurance requirements. This policy shall
12 provide for personal injury and property damage protection
13 in an amount adequate to compensate any persons damaged as a
14 result of strip- or underground-coal-mining and reclamation
15 operations, including use of explosives, and entitled to
16 compensation under applicable provisions of state law. The
17 permittee must maintain the policy in full force and effect
18 during the term of the permit and any renewal until all
19 reclamation operations have been completed.

20 (6) Each applicant for a strip-mining or
21 underground-mining reclamation permit shall file a copy of
22 his application for public inspection with the clerk and
23 recorder at the courthouse of the county where the major
24 portion of mining is proposed to occur."

25 Section 26. Section 82-4-239, MCA, is amended to read:

"82-4-239. Reclamation by board. (1) The board may have reclamation work done by its own employees or by employees of other governmental agencies, soil conservation districts, or through contracts with qualified persons. The board may construct, operate, and maintain plants for the control and treatment of water pollution resulting from mine drainage.

(2) Any funds or any public works programs available to the board shall be used and expended to reclaim and rehabilitate lands that have been subjected to strip mining or underground mining that have not been reclaimed and rehabilitated in accordance with the standards of this part. The board shall cooperate with federal, state, and private agencies to engage in cooperative projects under this section.

(3) Agents, employees, or contractors of the department may enter upon any land for the purpose of conducting studies or exploratory work to determine whether such land has been strip- or underground-mined and not reclaimed and rehabilitated in accordance with the requirements of this part and to determine the feasibility of restoration, reclamation, abatement, control, or prevention of any adverse effects of past coal-mining practices. Upon request of the commissioner, the attorney general shall bring an injunctive action to restrain any

interference with the exercise of the right to enter and inspect granted in this subsection.

(4) If the department makes a finding of fact that:

(a) land or water resources have been adversely affected by past coal-mining practices; and

(b) the adverse effects are at a stage where in the public interest action to restore, reclaim, abate, control, or prevent should be taken; and

(c) the owners of the land or water resources where entry must be made to restore, reclaim, abate, control, or prevent the adverse effects of past coal-mining practices are not known or readily available or the owners will not give permission for the department or its agents, employees, or contractors to enter upon such property to restore, reclaim, abate, control, or prevent the adverse effects of past coal-mining practices;

then agents, employees, or contractors of the department, after giving notice by mail to the owner, if known, and any purchaser under contract for deed, if known, or, if not neither is known, by posting notice upon the premises and advertising in a newspaper of general circulation in the county in which the land lies, may enter upon property adversely affected by past coal-mining practices and any other property necessary for access to such mineral property to do all things necessary or

1 expedient to restore, reclaim, abate, control, or prevent
2 the adverse effects of past coal-mining practices. This act
3 is not an act of condemnation of property or of trespass but
4 rather an exercise of the power granted by sections 1 and 2,
5 Article IX of the Montana constitution.

6 (5) (a) Within 6 months after the completion of
7 projects to restore, reclaim, abate, control, or prevent
8 adverse effects of past coal-mining practices on privately
9 owned land, the department shall itemize the money so
10 expended and may file a statement thereof in the office of
11 the clerk and recorder of the county in which the land lies,
12 together with a notarized appraisal by an independent
13 appraiser of the value of the land before the restoration,
14 reclamation, abatement, control, or prevention of adverse
15 effects of past coal-mining practices if the money so
16 expended shall result in a significant increase in property
17 value. Such statement constitutes a lien upon the land. The
18 lien may not exceed the amount determined by the appraisal
19 to be the increase in the market value of the land as a
20 result of the restoration, reclamation, abatement, control,
21 or prevention of the adverse effects of past coal-mining
22 practices. No lien may be filed against the property of any
23 person, in accordance with this subsection, who owned the
24 surface prior to May 2, 1977, and who neither consented to
25 nor participated in nor exercised control over the mining

1 operation which necessitated the reclamation performed under
2 this part.

3 (b) The landowner may petition within 60 days of the
4 filing of the lien to determine the increase in the market
5 value of the land as a result of the restoration,
6 reclamation, abatement, control, or prevention of the
7 adverse effects of past coal-mining practices. The amount
8 reported to be the increase in value of the premises
9 constitutes the amount of the lien and shall be recorded
10 with the statement herein provided. Any party aggrieved by
11 the decision may appeal as provided by law.

12 (c) The lien provided in this section shall be
13 recorded at the office of the county clerk and recorder. The
14 statement constitutes a lien upon the land as of the date of
15 the expenditure of the money and has priority as a lien
16 second only to the lien of real estate taxes imposed upon
17 the land.

18 (6) The board may acquire the necessary property by
19 gift or purchase or, if the property cannot be acquired by
20 gift or purchase at a reasonable cost, proceedings may be
21 instituted in the manner provided in Title 70, chapter 30,
22 against all nonaccepting landholders if:

23 (a) the property is necessary for successful
24 reclamation;

25 (b) the acquired land after restoration, reclamation,

1 abatement, control, or prevention of the adverse effects of
 2 past coal-mining practices will serve recreation and
 3 historic purposes or conservation and reclamation purposes
 4 or provide open space benefits; and

5 (c) permanent facilities such as treatment plants or
 6 relocated stream channels will be constructed on the land
 7 for the restoration, reclamation, abatement, control, or
 8 prevention of the adverse effects of past strip- or
 9 underground-coal-mining practices; or acquisition of coal
 10 refuse disposal sites and all coal refuse thereon will serve
 11 the purposes of this part in that public ownership is
 12 desirable to meet emergency situations and prevent
 13 recurrences of the adverse effects of past coal-mining
 14 practices."

15 Section 27. Section 82-10-503, MCA, is amended to
 16 read:

17 "82-10-503. Notice of drilling operations. In addition
 18 to the requirements for geophysical exploration activities
 19 governed by Title 82, chapter 1, part 1, the oil and gas
 20 developer or operator shall give the surface owner and any
 21 purchaser under contract for deed written notice of the
 22 drilling operations that he plans to undertake. This notice
 23 shall be given to the record surface owner and any purchaser
 24 under contract for deed at his ~~address~~ their addresses as
 25 shown by the records of the county clerk and recorder at the

1 time the notice is given. This notice shall sufficiently
 2 disclose the plan of work and operations to enable the
 3 surface owner to evaluate the effect of drilling operations
 4 on the surface owner's use of the property."

5 ~~SECTION 28. SECTION 85-2-232, MCA, IS AMENDED TO READ:~~
 6 "85-2-232. Availability of preliminary decree. (1) The
 7 water judge shall send a copy of the preliminary decree to
 8 the department, and the water judge shall serve by mail a
 9 notice of availability of the preliminary decree to each
 10 person who has filed a claim of existing right and to the
 11 purchaser under contract for deed as defined in (section
 12 11, of property in connection with which a claim of existing
 13 right has been filed, or, in the Powder River Basin, to each
 14 person who has filed a declaration of an existing right. The
 15 water judge shall enclose with the notice an abstract of the
 16 disposition of such person's claimed or declared existing
 17 right. The notice of availability shall also be served upon
 18 those issued or having applied for and not having been
 19 denied a beneficial water use permit pursuant to Title 85,
 20 chapter 2, part 3, those granted a reservation pursuant to
 21 85-2-316, or other interested persons who request service of
 22 the notice from the water judge. The clerk or person
 23 designated by the water judge to mail the notice shall make
 24 a general certificate of mailing certifying that a copy of
 25 the notice has been placed in the United States mail,

1 postage prepaid, addressed to each party required to be
2 served notice of the preliminary decree. Such certificate
3 shall be conclusive evidence of due and legal notice of
4 entry of decree.

5 (2) Any person may obtain a copy of the preliminary
6 decree upon payment of a fee of \$20 or the cost of printing,
7 whichever is greater, to the water judge."

8 ~~SECTION 22. SECTION 85-2-307, MCA, IS AMENDED TO READ:~~

9 "85-2-307. Notice of application. (1) (a) Upon
10 receipt of a proper application for a permit, the department
11 shall prepare a notice containing the facts pertinent to the
12 application and shall publish the notice in a newspaper of
13 general circulation in the area of the source once a week
14 for 3 consecutive weeks.

15 (b) Before the last date of publication, the
16 department shall also serve the notice by first-class mail
17 upon:

18 (i) an appropriator of water or applicant for or
19 holder of a permit who, according to the records of the
20 department, may be affected by the proposed appropriation; *
21 ~~notice shall also be served upon:~~

22 ~~(iii) any purchaser under contract for deed, as defined~~
23 ~~in [section 1] of property that, according to the records~~
24 ~~of the department, may be affected by the proposed~~
25 ~~appropriation; and~~

1 (iii) any public agency that has reserved waters in the
2 source under 85-2-316.

3 (c) The department may, in its discretion, also serve
4 notice upon any state agency or other person the department
5 feels may be interested in or affected by the proposed
6 appropriation.

7 (d) The department shall file in its records proof of
8 service by affidavit of the publisher in the case of notice
9 by publication and by its own affidavit in the case of
10 service by mail.

11 (2) The notice shall state that by a date set by the
12 department (not less than 30 days or more than 60 days after
13 the last date of publication) persons may file with the
14 department written objections to the application.

15 (3) The requirements of subsections (1) and (2) of
16 this section do not apply if the department finds, on the
17 basis of information reasonably available to it, that the
18 appropriation as proposed in the application will not
19 adversely affect the rights of other persons."

20 Section 30. Section 85-15-202, MCA, is amended to
21 read:

22 "85-15-202. Examination and report -- subsequent
23 actions. (1) It is the duty of the persons so appointed to
24 make a thorough examination of the dam or reservoir. If,
25 upon examination, they find that persons or property are

1 endangered by reason of the dam or reservoir and it is not
2 secure against the pressure of the water confined therein or
3 the water that may be confined therein or against rains and
4 fresnets that may occur and if they find that the same is
5 secure against the occurrence of the casualties mentioned or
6 any of them, they must make a report in writing to the
7 judge, which must be entered of record as a proceeding in
8 court.

9 (2) If, upon such examination as to the safety of such
10 reservoir, they consider such reservoir insufficient and
11 insecure, they must further inquire whether the danger to be
12 apprehended is imminent, and if they are of the opinion that
13 such danger is imminent and that destruction of life or
14 property may result from delay, it is their duty forthwith
15 to draw from such reservoir the waters therein or so much
16 thereof as will insure safety, and they must make return of
17 their action to the judge. In the discharge of such duties,
18 the persons so acting are peace officers.

19 (3) If, upon examination, they are of opinion that
20 such dam or reservoir is insecure and insufficient but that
21 the danger therefrom is not immediate or imminent, they must
22 so state in their report to the judge. The judge must
23 thereupon cause a copy of the report to be served on the
24 owner or ~~of the property, the~~ person in charge thereof, and
25 ~~any purchaser of the property under contract for deed,~~ with

1 a notice requiring him to make the same secure or to draw
2 the water therefrom without delay. Unless such order is
3 complied with after hearing, the judge may order the sheriff
4 to draw from said dam or reservoir the waters thereof."

-End-